





THE
HISTORY
OF
THE COLONY
OF

NOVA-CÆSARIA, OR NEW-JERSEY:

CONTAINING,
AN ACCOUNT OF ITS FIRST SETTLEMENT,
PROGRESSIVE IMPROVEMENTS,
THE ORIGINAL AND PRESENT CONSTITUTION,
AND OTHER EVENTS,
TO THE YEAR 1721.

WITH
SOME PARTICULARS SINCE;

AND
A SHORT VIEW OF ITS PRESENT STATE.

By SAMUEL SMITH.



BURLINGTON, IN NEW-JERSEY:

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SKETCH OF THE AUTHOR.

Samuel Smith, author of the "History of New Jersey," was eldest son of Richard Smith, esquire, of Burlington, member for twenty years of the Assembly of West Jersey, and a flourishing merchant in Burlington and Philadelphia.

Richard Smith was the only son of Samuel Smith the elder, of Bramham, West Riding of Yorkshire, England, who came to New Jersey in 1694, and was for several years a member of the Assembly. The father of the first Samuel Smith, Richard Smith of Bramham, Yorkshire, was one of the original proprietaries of West Jersey, and he and his two eldest sons, John and Daniel, brothers of the elder Samuel Smith, signed as proprietaries the "Concessions and Agreements of the Proprietors and People of West Jersey," the fundamental constitution of the province.

To the above-mentioned John Smith was allotted one of the ten original town lots of the "London Proprietors," in Burlington, with its annexed wood or forest lot.

Our author, who was born "12th mo., 13th, A. D. 1720," engaged, as a young man, in his father's business as a West India merchant, and, for a time, removed to Philadelphia. He finally settled at Burlington, where his town-house was the one since known as the "Coleman" house. The fine estate of "Hickory Grove," a little beyond the "London Bridge," was his country-seat or "plantation." He married in the "eleventh" month, 1741, Jane, daughter of Joseph Kirkbride, and by her had several children.

He was a man of most benevolent heart, and of a conscientious uprightness and exactness in the discharge of duty. His reading was extensive and accurate; the several historical works composed by him, showing the fruits of careful research, and a clear and agreeable style. He was the originator of the benevolent efforts which resulted in the colonization of the remnant of the New Jersey

Indians at the "Brotherton" settlement; drew up, in 1757, the constitution of the "New Jersey Society for Helping the Indians," and signed its subscription list with twenty pounds. In all the family relations, as son, brother, husband and father, Samuel Smith was most exemplary, and was besides a prominent and useful member of his religious community, "The Friends."

In 1765, Samuel Smith had the press of the "King's Printer" moved to Burlington for the purpose of printing his "History of New Jersey," as appears by the following extract:

"In 1764, James Parker, printer to the King for the Province of New Jersey, compiled and printed a 'Conductor Generalis' for Justices of the Peace, he then holding that office in Middlesex county, and the following year moved his press from Woodbridge to Burlington for the accommodation of the author of the History of New Jersey, (Smith), but on the completion of the work it was returned to the former place." (*Whitehead's Contributions to East Jersey History*, p. 376.)

Samuel Smith filled some of the most important public offices in the Province of New Jersey. He was, for many years, a member and Secretary of the King's Council, Treasurer of the Province, &c., &c. He died in 1776. His brother Richard was a member of the Continental Congress.

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T H E

P R E F A C E.

ALTHOUGH among the following Papers there are some of consequence in point of interest to most concerned in the province of New-Jersey, several of them were not to be found on record in the publick offices, several were scattered in different provinces, others could not be easily obtained, some tho' in print formerly were in but few hands, some never made publick, and many in danger of being lost; on this account whatever success may attend this undertaking as to the general design, or disposition of the facts, 'tis some satisfaction, that the labour of collecting them cannot be altogether useless.

Whoever will be at the trouble of an enquiry into the general inexperience and methods of colonizing formerly, especially at the time the settlements here were first attempted under grants, will find but little reason to doubt, that views of permanent stability to religious and civil freedom, must have been the inducement to the original adventurers to think of such a voyage. The New England governments had before been considerably settled from motives of a like kind; these, tho' near forty years later in their removal, were also protestant dissenters, and involved in the general insecurity, that such with reason apprehended in the reign of king Charles the second; and the actual sufferings of many, through the mistaken policy of that time, merely for a free exercise of their religious senti-

ments, with their own accounts of their removal, renders it as to them indisputable; and in this, as they do not appear to have been charg'd with any indirect violation of religious integrity, so no instance occurs of dissatisfaction among themselves, tho' many of them were remarkably tender on that head; with the motives above, some of them had without doubt, a distant prospect also of improving their estates; but this could not be the case so much at first as afterwards.

However smooth the passage may look now, it must be a reasonable supposition, that persons and families, who lived well (which was the circumstance of many of the settlers of this province) found it no inconsiderable trial, to unsettle and remove 3000 miles; besides parting with the usual connections of friendship and neighbourhood, it was in a great measure an unprov'd experiment; and then much out of the common course of things: The navigation also to this part of the continent, for want of experience, look'd difficult, and the wilderness formidable; but whatever were their motives, they successively encountered the hazards and hardships to which the enterprize was exposed; and, at their own expense, by the blessing of divine providence on their labour, frugality and industry, laid the foundation for the present improvement of territory to the mother country; which, tho' not in many respects to be compared to colonies of greater extent and growth, is nevertheless a link in the chain of some considerable importance.

That a century should pass, and a very little appear abroad of what the settlers here have been doing, is not so much to be wondered at, when their difficulties in
procuring

procuring the conveniencies of living are consider'd ; but this will hardly be allow'd, when the too general negligence as to particular rights of individuals, and the reputation of civil policy comes in question : Till very lately, a variety of matters of that kind, were as much secrets to most of the inhabitants, as they commonly are to strangers ; and yet in many parts of the province, are justly made the subject of general complaint.

Whether the endeavours here used for bringing these into one historical view, will sufficiently answer the purposes of a more general information, must now be submitted to experience ; they were undertaken with hopes of service to the province, and if found but in a small degree contributing to that, the end is so far answered : With this view, they were several years since designed for the publick, and nearly prepared ; but other occasions interfering, necessarily delayed their appearance much longer than was expected. Being sent to the press sometime in the last spring, no transaction that hath happened since, could be included, or is in any respect alluded to : On a continuation, these will of course follow in their places.

To a collection principally intended to consist of a plain state of facts, much need not be premised ; this may with justice be said, that through the whole, the strictest impartiality has been attended to, and if in other respects executed according to intention, they are offered to the publick, with as few material omissions, as the present opportunities of collecting would allow ; yet the diffidence attending an attempt from papers in great part not used before on the like occasion, would plead for some allowances as a few mistakes, especially in dates, and other minutiae,
among

among the smaller facts, may have escap'd, notwithstanding an assiduous care to avoid them ; but these it is hoped will not be found so considerable, as to obstruct the service intended.


As nothing is aim'd at, more than a fair and candid representation ; any friendly hints, or materials necessary either for correction or improvement, will be thankfully received, and the first opportunity embrac'd to apply them accordingly.

BURLINGTON, }
5th October, 1765. }

THE
HISTORY
OF
NEW-JERSEY.

CHAP. I.

A brief view of the discovery of America, and of the present prevailing opinion respecting the manner it originally became peopled.

HE first effectual discoverers of America among the moderns, were Christophoro Colon, or Colombo, and Americo Vespucci, or Vesputius; of these the former is supposed to have been a Genoese by birth, the other a native of Florence: From him the new world took its name, yet his history in other particulars is too intricate to afford much satisfaction.^a

A. D.
1492.

That

a. He made two voyages in 1497 and 1498, in the service of Spain: Another in 1501, in the service of Portugal: In the first he fell in among the Caribbee islands; and the last with three ships arrived to and discovered the eastern continent of America, in five degrees of south latitude.

"America is a more common than fitting name, seeing Americus Vesputius the Florentine, from whom this name is derived, was not the first finder nor author of that discovery: Columbus will challenge that, and more justly, with whom and under whom Americus made his first voyage; howsoever after that he coasted a great part of the continent which Columbus had not seen, at the charges of the Castilian and Portugal kings; but so it might more rightly be termed *Cabotia* or *Sebastiana*, of Sebastian Cabot,

A. D.
1492.
Columbus.

That of the first under the well-known name of Christopher Columbus, is readily traced; with him therefore we begin, as the person principally concerned in the discovery.

He had applied himself to the study of astronomy and geography, and very early appeared to have a more than common desire to understand the state of all countries upon the face of the globe, and to make new discoveries; which probably was his reason for settling at Lisbon, no nation having push'd their discoveries further than the Portuguese at that time; here he employed himself in drawing maps and charts, and preparing himself for future enterprizes. He married and settled in Lisbon, was of a good family, a grave and temperate man,^b of competent learning, studious in the mathematicks, and from his youth bred to navigation.

What the particular motives were that induced him to search after this new world, are not certainly known; some attribute it to informations he had received, others to his skill in the nature of the globe; that this made him conclude it probable there must be a great tract of land to the westward of Spain, that it was not to be imagined the sun when it set in
that

^a a Venetian, which is a good name of the continent than they both, upon the same title, first conceived by king Henry the seventh of England. Columbus was the first discoverer deserveth the name both of the country for the first finding, and of modesty, for not boasting it as himself, seeking rather effects than names of his exploits." *Poynas's Poem*, p. 792.

^b His son who wrote his history, says, he was moderately tall and long visaged, his complexion a good red and white, that he had light eyes, and cheeks somewhat full, but neither too fat nor too lean; that in his youth he had fair hair, which turned grey before he was thirty years of age; that he was moderate in eating and drinking, affected a plain modest garb or dress; that he was naturally grave, but affable to strangers, and pleasant frequently among his domestics, strict and devout in religious matters, and tho' a seaman, was never heard to swear or curse.

that horizon gave light to nobody: Whatever gave rise to the project, a discovery he resolved to attempt, and being unable to do it at his own charge, he first offered his service to the Genoese, next to the king of Portugal; not meeting with encouragement from either, he sent his brother Bartholomew to England, to offer his service to Henry the seventh: King Henry approved his proposals; but the brother on his return being taken by pirates, and Columbus receiving no answer, left Portugal and went to Spain: On his application to Ferdinand and Isabella, king and queen of Castile and Arragon, he succeeded so well, that in the year 1492, they provided him with money, and entrusted him with three small ships for the expedition; he also obtain'd a grant from them to be admiral of the western seas; all civil employments as well as governments in the continent or world to be discovered were to be wholly at his disposal; and besides the revenues of the posts of admiral and vice-roy, he was to enjoy a tenth of all the profits arising by future conquests; his little squadron manned only with ninety men set sail from Palos for the Canaries the third of the month called August, 1492, and arriving at those islands the twelfth, sailed from thence the first of September, upon his grand design: he had not sailed a fortnight to the westward before his men began to murmur at the enterprize; they observed the wind constantly set from east to west, and apprehended there would be no possibility of returning if they missed the land they were made to expect: on the nineteenth observing birds to fly over their ships, and on the twenty-second weeds driving by them, they began to be better satisfied, concluding they were not far from land: they continued their course several days farther westward, and meeting with no land, the seamen mutinied to that degree, that they were almost

A. D.
1492.

sends his
brother
Bartholo-
mew to
Henry vii.

sails with
90 men.

ready

A. D.
1492.

His first
discovery.

ready to throw the admiral overboard, and return home, when happily for him they saw more birds, weeds, pieces of boards, canes, and a shrub with the berries upon it, swim by them, which made them conjecture there must be islands thereabouts: It was on the eleventh of October, about ten at night, that the admiral first discovered a light upon the island of *Guanahani*,^{c.} or *St. Salvador*, as he named it, in consideration that the sight of it delivered him and his men from the fear of perishing: It is one of the Bahama islands, about fifteen leagues long, in the north latitude of 15 degrees.^{d.} Day appearing, the ships came to anchor very near the island; the natives crowded the shore, and beheld the ships of these new comers with astonishment, taking them for living creatures.^{e.} The admiral believing there was no great danger to be apprehended from them, went ashore in his boat, with the royal standard, as did the other two captains, with their colours flying, and took possession of

c. A bay or harbour of sea or water.

d. All that is commonly remembered of the sailor who first discovered land, is, that expecting some great reward from the king of Spain, and disappointed, he took it in his head in a rage to renounce Christianity, and turn'd Mahometan.

e. One of the River Indians, in his speech at the treaty of Albany, 1754, relates the surprize of their forefathers at the sight of the first ship that came up the North river in the same manner; his speech so far as relates to this subject was as followeth: 'FATHERS, we are greatly rejoiced to see you all here; it is by 'the will of heaven that we are met here, and we thank you for 'this opportunity of seeing you altogether, as it is a long while 'since we had such a one: FATHERS who sit present here, we will 'just give you a short relation of the long friendship which hath 'subsisted between the white people of this country and us: our 'forefathers had a castle on this river; as one of them walked out 'he saw something on the river, but was at a loss to know what 'it was; he took it at first for a great fish; he ran into the castle, 'and gave notice to the other Indians; two of our forefathers 'went to see what it was, and found it a vessel with men in it; 'they immediately joined hands with the people in the vessel, and 'became friends.'

of the country in the name of the king and queen of Spain with great solemnity; the Indians mean while stood gazing at the Spaniards without attempting to oppose them. The admiral ordered strings of glass beads, caps and toys to be distributed among the natives, with which they seemed much pleased: The principal ornament about them was a thin gold plate in the form of a crescent, hanging from the nose over the upper lip; the admiral demanding by signs, whence they had their gold plates, they pointed to the south and south-west; he rowed in his boats about the island, to discover if there was any thing worth his settling there, followed by the natives every where, who seem'd to admire him and his people as something more than human: From this island coasting southward 180 leagues, he arrived at another, which he called Hispaniola, where his own ship striking on a hidden rock was lost: he and his crew were taken on board one of the other vessels; landing here, the natives, instead of behaving as the others had done, fled from him; but taking one of their women, treating her kindly, and then letting her go back among them, she brought numbers to traffick, who seem'd very peaceably dispos'd; and by some means, or other finding there were gold mines in this island, Columbus, aided by the natives, built a fort, left thirty-nine men, with provisions for a year, seeds to sow, and trinkets to trade with the natives: After discovering a good part of the north and east coast of Hispaniola, trading with the Indians in diverse place, and near three months stay in the island, he bent his course homewards, and arrived at Palos, in Andalusia, early in the spring 1492, 3; having perform'd the voyage in seven months and eleven days: Here the people received him with a solemn procession and thanksgiving for his return, most of his seamen belonging to that port; the king and

A. D.
1492.

discovers
Hispanio-
la.

returns.
1493.

A. D.
1493.

and queen of Spain being at Barcelona, when the admiral drew near the city, the court went out to meet him; he was receiv'd with the honors due to a sovereign prince: Having given an account of his voyage, he begged to be equipped according to the dignity of his character of admiral and viceroy, that he might plant colonies in the places he had thus discovered, which was readily granted; and he afterwards made diverse other voyages to America.*f*

Cabot's

The fame of the discovery, and of the rich cargoes brought to Old Spain at several times from thence, being spread through other nations, gave rise to other adventurers. The next attempt was made by Sebastian Cabot, a Venetian by extraction, but born in England, and being much given to the study of navigation, and well skill'd in cosmography, he believed there might be a passage found by the north-west to the East Indies shorter than that lately discovered by the Cape of Goodhope; he made Interest with Henry the seventh of England, who fitted out two ships to make the discovery.

1497.
adventure.

finds
Greenland

and New-
foundland

In 1497, Cabot sailed from Lisbon, in the beginning of summer, and steering his course north-west, came up with land about 60 degrees north latitude, supposed to have been Greenland;*g* but perceiving the land still run north, he changed his course, in hopes of finding a passage in less latitude. About the 50th degree, he saw that which is now well known by the name of Newfoundland: Here he took three of the natives, and coasted southward to the latitude of

38

f. He died in the city of Validolid in Spain, in the spring 1506, and was buried in the cathedral of Seville, with this inscription on his tomb, that *Columbus had given a new world to Castile and Leon.*

g. This country is considered as part of the American continent, both by Hornius and Grotius. Grotius apud Horn. de orig. Gent. American, Lib. iii. c. 5, 6, pa. 149, 162. ut et ipse Horn. ibid.

38 degrees; (about Maryland) his provisions growing scarce, and no supplies there to be expected, he return'd to England, where the natives he brought lived a considerable time.^h From this voyage and discovery made by Cabot, the English have claimed the country ever since, from the well known *Jus Gentium*. **LAW OF NATIONS**, that whatever waste or uncultivated country is discovered, it is the right of that prince

A. D.
1497.

3460

^h King Henry vii. commissioned John Cabot (Whitson Moore) 'in the eleventh year of his reign' and his three sons, to sail in quest of unknown lands, and to annex them to the crown of England: with this clause, *which ought to be taken for granted, known to all christians*. His first essay as related by Sir Humphrey Gilbert, who was employed in the like service afterwards by queen Elizabeth, was to discover a north-west passage to China; in which voyage he sailed very far eastward, with a quarter of the north, on the north side of Terra de Labrador, till he came into the north latitude of sixty seven degrees and a half. In his next voyage, which was made with his son Sebastian, in the year 1497; he steered to the south side of Labrador, and fell in with the island of Baccalaos, which is Newfoundland, and took possession both of that island and all the coast of the north-east part of America, as far as Cape Florida; which he also by landing in several parts of it, claimed in the name of his master, the king of England.

'In the memory of this discovery, and by way of evidence, there was a map or chart of the whole coast of North-America drawn by Sebastian Cabot himself, with his picture and this title, *Effigies Seb. Caboti Angli, Filii Jo. Caboti, Venetiani, Militis Aurati, &c.* and with the following account of the discovery above mentioned,

"In the year of our Lord 1497, John Cabot, a Venetian, and his son Sebastian (with an English fleet) set out from Bristol, and discovered that land, which no man had before attempted. This discovery was made on the 24th of June about five o'clock in the morning. This land he called *Prima Vista* (or the first seen) because it was that part, of which they had the first sight from the sea. It is now called *Bonavista*. The island, which lies out before the land, he called the island of *St. John*, probably because it was discovered on the festival of *St. John Baptist*."

'This map was hung up in his Majesty's privy-gallery at Whitehall; and, it is to be feared, the nation was deprived of such a valuable testimonial of their American title to the whole coast of North-America, by the fire which destroyed that gallery in the late King William's reign". Entick's *Gen. Hist. of the late war*, Vol. i. p. 168, &c.

A. D.
1497.

who had been at the charge of the discovery.ⁱ This from universal suffrage gives at least a right of pre-emption, and undoubtedly must be good against all but the Indian proprietors.^k

We have seen that in the discovery of North and South-America, inhabitants were found at the places touch'd at; in all probability they were as plentifully dispersed throughout the different countries of America; but how these people originally came there, is a question not easily solved; tho' it has for above two centuries, been the subject of much enquiry, it is not yet arrived at a decision.^l All therefore that can be done, is to give a short view of the most probable conjectures that have been hitherto offered.

Pheni-
cians.

It is not unlikely the new world was known to the Phenicians, even a considerable time before the days of Plato; who in all likelihood found but few (if any) inhabitants there; that they contributed towards the planting of it, we have some reason to believe, as they are supposed to have made three voyages thither; however that colonies from other nations crossed the Atlantick, and landed in America, cannot be well denied; neither the Egyptians nor Carthaginians are supposed void of some traditional knowledge of America, since they are believed^m to have communicated such

Egyptians
and Car-
thaginians.

i. Grotius de jure belline pacis, Lib. 2. Cap. 2. Sect. 17. Molloy de jure Mar. 422, 423. Justinian Inst. Lib. 2. Tit. 1. Sect. 12 & 22.

k. Lex Mercat. 156. Molloy ut supra.

l. If we are not astonished (says Voltaire) that the discoverers found flies in America; it is absurd to wonder that they should meet with men. Univ. Hist. If European whites, and African negroes, are not descended from the same original stock; a supposition confessedly adopted by the celebrated historian, (it must be allow'd) easy to come to a decision in the present case.

m. Perizonius and Cellarius seem to have inferr'd from thence, that the new world was not entirely unknown to the remoter ages of antiquity.

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such knowledge to other nations: which if we admit, it follows, that some of the ancient Egyptians and Carthaginians had been there, and contributed towards peopling the continent, as well as the Phenicians. The Author of the book *de Mirabilibus Audit.* supposed to be Aristotle; expressly asserts the Carthaginians to have discovered an island beyond Hercules's pillars, abounding with all necessities, to which they frequently sailed; and there several of them even fixed their habitations; but the senate, adds he, would not permit their subjects to go thither any more, lest it should prove the depopulation of their own country.ⁿ Several of the original American nations we are told, *rent their garments*, the more effectually to express their grief on any melancholly occasion; the Hebrews, Persians, Greeks, Sabines, and Latins, according to various authors, did the same; from whence some may possibly imagine, that those Americans deduced their origin from one or more of those nations; but this is too slender a foundation for such belief:^o So that Menasseh Ben Israel, appears to have wrongly concluded from thence, that the Israelites were the progenitors of the Americans. Theophilus Spizelius seems to have refuted this opinion: Though the Phenicians, Egyptians and Carthaginians, might have planted some colonies, yet the bulk of the inhabitants must certainly have deduced their origin from another part of the world: Had the Phenicians and Egyptians
peopled

ⁿ. Aristot de mund. c. 3. et de Mirah Audit. Christ. Cellar. ubi supra, pa. 253. Jacob Perizon in *Ælion*. Var. Hist. Lib. 111. c. 18.

^o. William Penn, in his letter to the committee of the free society of traders in London, in 1683; gives a short sketch of his opinion, touching the origin of the Indians here, whom he imagines to be of the stock of the Jews, that after the dispersion of the ten tribes emigrated through the easternmost parts of Asia, to the westernmost of America.

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peopled even a considerable part of America, it would scarcely have been taken so little notice of by the antients; even supposing those nations had industriously endeavoured to conceal their western discoveries; for in such case, there must have been a constant communication kept open between America, Egypt, and Phenicia, and a very extensive trade carried on: so that many particulars relating to the new world, must necessarily have transpired; nor could even the sailors themselves, who navigated the Phenician ships, have omitted divulging many accounts of what they observed on this continent; some of which would undoubtedly have been transmitted to us.

That therefore, the Americans in general, were descended from a people who inhabited a country not so far distant as Egypt and Phenicia, must be admitted: Now no country can be pitched upon so proper and convenient for this purpose, as the north-eastern part of Asia, particularly great Tartary, Siberia, and more especially the Peninsula of Kamtschatka; that probably was the tract through which many Tartarian colonies passed into America, and peopled the most considerable part of it. This however, seems the most prevailing opinion.

Kamts-
chatka.

There is great reason to believe, that some of the western provinces of North-America, must either be continuous to, or at no great distance from the north-eastern part of Asia; which, we are not yet informed; but it is probable east of Kamtschatka, there is an immense tract approaching to North-America, and that to this day, there remains at least a kind of communication between them, by means of a chain of islands; it may also be supposed that Asia and America, were formerly connected by an isthmus, which might have been destroyed by an earthquake: such a supposition may be supported by the authority of those

writers

writers who have rendered parallel instances credible, such as the disjunction of Britain from Gaul, and Spain from the continent of Africa: A communication between Asia and America, seems agreeable to truth, not only from what has been advanced by Reland, but from the discoveries made by the Russians: an account of which we find in the publick prints of the year 1737, and since: According to these, some of the Czarina's subjects have touched at several islands, which lie at a distance in the eastern direction from Japan and Kamtschatka, and consequently between those countries and America. The people of these islands, in some points are said to resemble the Japanese, and to use pieces of money with characters not unlike those of Japan. Leonard Euler, professor of mathematicks, and member of the imperial society at Petersburg, seems to imagine, that the north-eastern cape of Asia, discovered by capt. Behring, is not thirty degrees off the last known head-land of California; but the ingenious Dobbs, governor of North-Carolina, places them at a much greater distance: Be that however as it may, that the sea between the most north-eastern coast of Asia, and the most western part of California, allowing such a sea to exist, is interspersed with many islands, at no great distance from each other, may be very naturally supposed; nay, if any credit may be given to the advices lately received from Petersburg, the connection of Asia and America, or at least the communication between them, by means of such islands, is as good as discovered.

That part of America next to Asia, is said to be much more populous than the remoter eastern provinces or kingdoms; which is a manifest indication, that this was first planted, by colonies coming from the nearest parts of Asia, who settled here, and afterwards

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afterwards spread themselves gradually over the new world; from whence we may conclude, that the bulk of the Americans are descended from the Tartars, Siberians, and people of Kamtschatka.

Quivira.

The people inhabiting the extreme north-eastern part of Asia, entirely want horses, those animals not being able to live in so cold a region; it seems to be agreed, that no horses were found in America, at the first discovery of it; for that in several places, the natives used rein deer and large mastiff dogs *p* instead of them, as many of the posterity of the antient most northern Scythians or Tartars did. The Epicurini, a people of Canada, when the Europeans first came among them, asserted, that very far from them, in a western direction, there lived a nation, who affirmed that foreign merchants, without beards, in great ships, frequently visited their coasts: we are also told, that in Quivira, several ships have been found, whose sterns were adorned with silver and gold, which was a distinguishing characterick of the Chinese and Japanese ships, according to some good authors: That some Chinese vessels of considerable force, were found wreck'd in the Mare del nord, above Florida, which might have been the same with those seen at Quivira, we learn from Ancosta. In Quatulua too, a tradition prevailed, intimating that foreign merchants after a long journey from the westward, arrived there, and that these merchants were cloathed in silk: From whence we may collect, that the Chinese visited America, and communicated some of their customs to the people of that country, *q* especially as the Chinese manner of writing

p. Some of the back Indians beyond Detroit, now make use of dogs to draw wood and other matters on sleds.

q. The people (says M. de Guignes, in a memoir upon the ancient navigations of the Chinese to America) whom we have always believed to have been confin'd within the bounds of their own country, penetrated.

writing in Hieroglyphics, sufficiently agrees with the American dialect. We learn from Hornius, the Hunns, or at least a branch of that people, placed in the farthest part of Asia, had the appellation of Cunadani, or Canadani, from Cunad, a place not far from the sea, where some of them had their situation; hence we find a city in the upper Hungary, built by their descendants, denominated Chonod, or Chunad, the inhabitants of which, and those of the neighbouring district, still retain the name of Chonadi, or Cunadi; from these Hornius believes the natives of Canada to Canada, have deduced both their origin and denomination.

No

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penetrated into America in the year 1492 of the Christian era. That they went thither by Japan and the countries of Ven-chin and Tahan. By considering what the Chinese geographers say of the distances and productions of these remote regions, he proves that Ven-chin is Jesso or Yedzo, and that Ta han is the most eastern part of the north of Asia. From thence the Chinese sailed towards the east, and fell in with the country of Fou-sang, which, according to the Chinese distances, should lie to the north of California. He gives us, from the annals of China, a short account of the manners of the inhabitants of Fou-sang; he informs us further, that several islands in the south sea were known to the Chinese; and also that coast which John de Sama discovered in his passage from China to Mexico. To give a more exact idea of these navigations, M. de Buache hath constructed a chart, on which he hath traced with a great deal of accuracy, the route of the Chinese, and noted the distances of the several countries. By this chart it appears, that the geography of these parts, taken from the ancient books of the Chinese, agrees very well with the late discoveries of the Russians. To this chart is added part of another ancient chart drawn by the Japonese, in which are laid down the north of Asia, and all the western coast of America, according to the knowledge they had of it. This continent there appears entirely terminated on the side of Asia; and we there see the isles which have been lately known to the Russians only; and this proves the truth of the former Japonese discoveries. This chart was brought from Japan by the celebrated Kempter, and afterwards lodg'd in the cabinet of the deceased Sir Hans Sloane, president of the royal society of London, who sent a copy of it to M. de Guignes.

After having determined the situation of all the countries to the east of China, M. de Guignes remarks, that Chr. Columbus was not the first who attempted discoveries towards the west: Long before

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No small accession of strength will be brought to the opinion before advanced, with respect to the peopling of America, by one particular incident, mentioned in a short narrative of the late discoveries of the Russians. They found peopled, as should seem, captain Behring's new land before mentioned, above fifty German miles to the east of Kamtschatka; for coming to the entrance of a great river, he sent his boats and men ashore, but they never returned, being probably either killed or detained by the natives; nay, the

more him, the Arabians, whilst they were masters of Spain and Portugal, enterprized the same thing from Lisbon; but after having advanced far to the west, they were obliged to put back to the Canaries; there they learnt that formerly the inhabitants of these islands had sailed towards the west for a month together, to discover new countries. Thus we see, that the most barbarous people, without the knowledge of the compass, were not afraid to expose themselves to the open sea in their slight small vessels, and that it was not so difficult for them to get over to America, as we imagine.

These researches, which of themselves gives us a great insight into the origin of the Americans, led M. de Guignes to determine the rout of the colonies sent to this continent. He thinks the greatest part of them passed thither by the most eastern extremities of Asia, where the two continents are only separated by a narrow streight, easy to cross. He reports instances of women, who from Canada and Florida, have travelled to Tartary without seeing the ocean.

The commerce of the Chinese would naturally open a way to America, augment the number of the inhabitants, and contribute to polish them. On this occasion M. de Guignes observes, that the most civilized nations of the American continent are situated on the coast which looks towards China, and that they come originally from the north of America, *i. e.* from the neighbourhood of those countries where the Chinese landed, as Quivin and New Mexico, whence the Mexicans came to settle in Mexico, properly so called, after having expelled the ancient inhabitants.

M. de Guignes cites some authorities, which give us reason to believe, that the streights of Magellan were known to the Chinese, and that the Coreans had a settlement in Terra del Fuego. These navigations of the Chinese, and of the most uncivilized nations, incline him to believe, that the people dispersed in the isles to the south of the Indies, after having multiplied, migrated from island to island, and by means of that chain of islands which reaches almost to America, insensibly approached that continent. The example of the inhabitants of the Canaries gives a probability to this conjecture. *Gentleman's Magazine*, 1753, p. 607.

the publick prints in October, 1737, mention some particulars relating to the inhabitants of certain islands between Kamtschatka,^r Japan, and America, which seem to carry with them an air of authority. This will amount to a fair presumption, that the islands or continent between Kamtschatka, Japan, and California, still unknown to the Europeans, are likewise inhabited; and if so, that those inhabitants must have advanced gradually, from Tartary, Japan, and Kamtschatka to the places wherein they are fixed: From whence we may infer, that even the natives of California, and the adjacent parts of America, took originally the same route; for that Tartary, and Japan, must have been, peopled before America, as lying nearer to the land of Shinar, where the whole race of mankind was assembled before the dispersion, will admit of no dispute; and that America should have received many colonies from such neighbouring countries as Tartary, Japan, and Kamtschatka, whether they are continuous or contiguous to it, or connected with it, by some intermediate continent, chain of islands, &c. is very natural to suppose.^s So that from the tract lately discovered to the east of Japan and Kamtschatka, and the people settled there, we may infer the probability of America's being planted in part by colonies drawn from the north-eastern regions of Asia; for by such discovery, a nearer approach is made from Japan and Kamtschatka,

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Asia.

^r. The new history of Kamtschatka, lately published in the Russian language, and translated into English by J. Grieve, M. D. gives a particular description of the customs and way of living of the inhabitants there, which agrees in several particulars, and in the whole manner seems not very different from the original customs of the North American Indians. For a brief account of this history, see *Monthly Review*, vol. 30, p. 282.

^s. Vide a memoir of M. Le Page du Pratz, containing an account of the travels of Moncacht-ape; a civilized Indian of Louisiana, to the north-west parts of America, *Gent. Mag.* for Sept. 1753.

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Kamtchatka, to the coast of California; and from this approach, a presumptive argument is drawn in favour of the opinion here advanced.

But it is time now to proceed to other matters: Such as may incline to see the subject further discussed, are for brevity's sake, on a point not material enough to dwell long upon here, referred to the Univ. Hist.^t Whence many of the arguments on this head, are selected; and where the inquisitive reader, amidst much of the incredible, (with which it hath been usual to load the subject) will find convincing proofs in favour of what is here proposed.

1584.

Sir Walter
Raleigh's
patent.

Although the English had very early made the discovery of North-America, a considerable time elapsed before any advantages accrued: Sir Walter Raleigh, in 1584, was the first Englishman who attempted to plant a colony in it.^r In this year he obtained a patent from Queen Elizabeth, for him and his heirs, to discover and possess for ever, under the crown of England, all such countries and lands as were not then possessed by any christian prince, or inhabited by christian people:—Encouraged by this grant, Raleigh and other partners, at divers times, fitted out ships, and settled a colony at Roanor,^x in Virginia; but notwithstanding various attempts, they met with such discouragements, that no great improvements were made until some time afterwards.

1606.

In the year 1606, King James, without any regard to Raleigh's right, granted a new patent of Virginia; in which was included New-England, New-York, New-

^t. Vol. xx, Lond. Edit. 1748, pa. 157.

^r. That is a regular colony under grants—'Sir Armigell Wadd, 'of Yorkshire, clerk of the council to Henry viii. and Edward vi. 'and author of a book of travels, was the first Englishman that made 'discoveries in America.' H. Walpole's *anecdotes of painting*, vol ii. *Catalogue of engravers*, p. 18, 19. A note.

^x. Now Roanoke, in North-Carolina.

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New-Jersey, Pennsylvania, and Maryland: from queen Elizabeth's time to the time of this patent, the whole country bearing that name, which was given it by Raleigh, in honour of his virgin mistress, as some say; others have it that it took its rise from the country's not being settled before. The patentees, were sir Thomas Gates, sir George Summers, Richard Hackluyt, clerk, Edward Maria Wingfield, Thomas Hanham, and Raleigh Gilbert, Esqrs. William Parker, George Popham, &c. and others: The extent of the land granted, was from 34 to 45 degrees of north latitude, with all the islands lying within 100 miles of the coast. Two distinct colonies were to be planted by virtue of this patent, and the property ascertained in two different bodies of adventurers: The first to belong to Summers, Hackluyt, and Wingfield, under title of the London adventurers, or the London company; and was to reach from 34 degrees to 41, with all lands, woods, mines, minerals, &c. The other colony was to reach from the end of the first, to 45 degrees, granting the same privileges to Hanham, Gilbert, Parker, and Popham, under the name of the Plymouth company, with liberty to both colonies to take as many partners as they pleased; forbidding others to plant within those degrees, without their licence; only reserving the fifth part of all gold and silver mines, and the 15th part of copper, to the use of the crown. By virtue of this grant, the London company fitted out several ships with artificers of every kind, and all things requisite for a new settlement; which sailed for America, and planted a colony there; but in the year 1623, there were so many complaints made of bad management, that on enquiry a *Quo warranto* was issued against the patent; and

1623.

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and after a trial had in the king's bench, it was declared forfeited; z. since which time Virginia has been under the immediate direction of the crown.

Plymouth.

other patents granted.

In the same year the patent was granted, the Plymouth company also attempted to make a settlement; but with no great success, until about the year 1620, when they sent a fresh recruit from England, under the command of capt. Standish, who arrived at Cape Cod in the latitude of 42 degrees, and having turned the cape, found a commodious harbour opposite the point, at the mouth of the bay, at the entry of which were two islands well stocked with wood: Here they built a town, which they called Plymouth. About this time the colonies in New-England were much augmented; multitudes of dissenters thinking this a good opportunity of enjoying liberty of conscience, offered their service to the Plymouth company; and the grand patent being delivered up to the king, particular patents were granted to the Lord Musgrave, the duke of Richmond, the earl of Carlisle, the lord Edward Georges, and new colonies were planted in diverse places.

C H A P.

z. Other accounts say, the patent was dissolved by the king's proclamation, in 1624: and that tho' a *quo warranto* was issued against it, no determination followed in the courts of justice.



CHAP. II.

An account of the country on Delaware, and the North river, while the first was in possession of the Dutch and Swedes.

FROM what has been said, it is evident that the colonies New-York, New-Jersey, Pennsylvania, and Maryland, were included in the great patent, last mentioned; but that becoming void, the crown was at liberty to regrant the same to others; but it does not appear that any part of those provinces was settled by virtue thereof; nor indeed was any distinct discovery of them made, until many years afterwards. New-Jersey, Pennsylvania, and other lands adjacent, notwithstanding the antient right of the crown of England, deduced as aforesaid, had two pretenders to them; the Dutch and the Swedes: The claim the former set up, was under colour of a discovery made in the year 1609, by Henry Hudson, an Englishman, commander of a ship called the Half-Moon, fitted out from Holland by the East-India company, to discover by a north-west passage, a nearer way to China: In this voyage he sailed up to the place now New-York, and up the river, from him called Hudson's river; and returning sometime after to Amsterdam, the Dutch pretended to have purchased the claim he made of the American coast; and having obtained a patent from the states, in the year 1614, to trade to New-England, they settled in New-York, which they called New-Netherland; and kept possession until sir Samuel Argole, governor of Virginia, disputed their title; alledging that the country having been discovered by an Englishman, in right of his master, he could not suffer it to be alienated from the crown, without the king's consent: he therefore compelled the Dutch colony to submit to him, and to hold it under

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Dutch
claim.

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under the English: But sometime after a new governor coming from Amsterdam, they not only neglected to pay their usual acknowledgement to the governor of Virginia, but in the year 1623, fortified their colony, by building several forts: One on the Delaware, (by them called South River) near Gloucester, in New-Jersey, which they named Nassau; a second on Hudson's, (the North River) in the province of New-York, which they named Fort Orange; and a third on Connecticut river, (by them called the Fresh-River) which they named the Hirsse of Good Hope. Hudson's River lying near the sea, and the navigation esteemed less difficult than the other, their settlements were chiefly on both sides of that river; at the entrance of which, the town by them also called New Amsterdam, was built; so that by the time the Swedes came into America, which was a few years after, they had wholly quitted the land adjacent to the river Delaware.

The proceedings of the Dutch in building the forts, and in a manner taking possession of the country, having been represented to king Charles the first, his ambassadors at the Hague made such pressing instances to the states, that they disowned having given any commission for what the Dutch had done, and laid the blame on their East-India company. Upon this king Charles gave a commission to sir George Calvert, lately made lord Baltimore; *a* to possess and plant that part of
America,

a. About the year 1620, while George Calvert, afterwards lord Baltimore, was secretary of state to James Ist: he obtained a patent for himself and his heirs, to be absolute lord and proprietor of the territories to be come Palatines of the province of Maryland in Newfoundland, which was so named by him, from Avalon, an *Summe Island*: wherein Clasonbury stands the first fruit of the settlement in Britain: as the other was in that part of America, where *one* still remains his house, in Ferryland, and spent £. 25,000 in advancing this new plantation: after the death of king James, he went twice in person to Newfoundland:—finding his plantation very much exposed to the insults of the French, he was obliged

America, now called Maryland: and to sir Edmond Loeyden, or Ployden, to plant the northern parts, towards New-England. The Dutch afraid of the power of the English, were willing to compound matters a second time; offering to leave their plantations, in consideration of £. 2500 to be paid them for the charges they had been at: But soon after, king Charles being involved in his troubles, was hindered from supporting his colonies; they therefore not only fell from their first proposals, but as was reported, furnished the natives with arms, and taught them the use of them, that by their assistance they might dispossess the English all around them.

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Matters thus circumstanced, we shall leave them, in order to trace their neighbours, the Swedes into Swedes.

America; the first settlement of whom, according to their own account, was thus occasioned^b. In the reign of Gustaphus Adolphus, and in the year 1626, an eminent merchant named William Useling, gave a great character of this country, applauding it for fruitful fertile land, abounding with all necessaries of life; and used many arguments to persuade the Swedes to settle a colony here: These were so prevalent, that Gustavus issued a proclamation at Stockholm, exhorting his subjects to contribute to a company associated to the purpose aforesaid, which was called the West-India company, confirmed by that prince: In a general assembly the year following, sums of money were raised to carry on the intended settlement, to which the king, the lords of the council, the chief of his barons,

1626.

‘forced to abandon it: whereupon he went over to Virginia, and ‘after having viewed those parts, came to England, and obtained ‘from king Charles, who had as great a regard and affection for him ‘(as king James) a patent to him and his heirs, for Maryland:—that ‘king naming it in honour of his beloved queen Henrietta Maria. *Biogr. Britania, Art. Geo. Calvert.*

^b. Hist. of Swedeland in America, by Thomas Companius Holm, printed at Stockholm anno 1702.

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barons, knights, coronets, principal officers in his militia, bishops, clergy, and diverse of the common people of Swedeland, Finnland and Littland, contributed; and responsible persons were chosen to see what was propos'd put in execution, consisting of an admiral, a vice-admiral, merchants, factors, commissaries, &c. and it was concluded to get as many as they thought fit, of those who would voluntarily ship themselves to America, to settle and cultivate a colony.

1627.

In 1627, the Swedes and Finns accordingly came over hither: Their first landing was at Cape Inlopen; the sight created a pleasure, and they named it Paradise Point: Some time after they purchased of some *Indians* (but whether of such as had the proper right to convey is not said) the land from Cape Inlopen to the Falls of Delaware, on both sides the river, which they called New-Swedeland Stream; and made presents to the Indian chiefs, to obtain peaceable possession of the land so purchas'd: But the Dutch continuing their pretensions, in 1630 one David Pietersz de vries, their countryman, built a fort within the capes of Delaware, on the west, about two leagues from Cape Cornelius, at the place now Lewis-Town, then and at present often called by the name of Hoarkill.

1631

In 1631, the Swedes also built a fort on the west of Delaware, to which they gave the name the ruins of it yet bears, Christeen.^c Here a small town was laid out by Peter Lindstrom, their engineer, and here they first settled; but this settlement was afterwards demolished by the Dutch.

Christeen.

Tennecum.

On an island called Tennecum, sixteen miles above this town, the Swedes erected another fort, which they named New Gottemburgh; and John Printz, their governor, built a fine house, and other suitable accommodations;

^c. Near Wilmington, it gives name to a noted creek there.

modations; planted an orchard, and called his settlement Printz's Hall: The principal freemen had also their plantations on this island.

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About this time the Swedes also built forts at Chester, and other places. In the same year Chancellor Oxestjern, ambassador from Sweden, made application to king Charles the first, to have the right the English claimed by their being the first discoverers yielded up: it was, (as they say,) the proof an uncertainty given up accordingly: They also said they had purchased the pretence the Dutch claim'd by virtue of the prior settlement, and buildings here; most of which were destroy'd before their arrival.

If this be true, the Dutch it seems did not think proper long to abide by their contract; but gave the Swedes disturbances, by encroaching on their new settlement; and both of them join'd to dispossess the English, who also attempted to settle the eastern side of Delaware: onè Kieft, a director under the states of Holland, assisted by the Swedes, drove the English away, and hired the Swedes to keep them out: The Dutch complained, that the Swedish governor judging this a fair opportunity, built fort Elsinburgh on the place from whence the English had been driven, and from thence used great freedom with their vessels, and all others bound up the river, making them strike to the fort; from which they also sent men on board to know whence the vessels came: This the Dutch deem'd exercising an authority in a country not their own.^d But the Musketoos were so numerous, the Swedes were
unable

Elsin-
burgh.

^d. The account here is from a manuscript copy, said to be printed in Holland, anno 1662, the original in the late sir Hans Sloane's collection, entitled, *A brief account of New-Netherland*. — In 1683 the Dutch had a meeting-place for religious worship at New-Castle; and the Swedes three, one at Christeen, one at Tenecum, and one at Wicoco.

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unable to live here, and therefore removing, named the place Musketo-burgh.

Ploeyden.

The Dutch seem to have had a very great opinion of the land near the Delaware, and were under great apprehensions of being dispossessed by the English, who they complained had diverse times attempted to settle about that river and judged if they once got footing, they would soon secure every part, so that neither Hollander nor Swede would have any thing to say here; in particular they mention sir Edmond Ploeyden, as claiming property in the country, under a grant from king James the first, who they alledge declined any dispute with them, but threatened to give the Swedes a visit, in order to dispossess them. *e.*

John

e. In 1648, a pamphlet was published, entitled, *'A description of the province of New Albion, and a direction to adventurers with small stock to get two for one, and good land freely; and for gentlemen and all servants, labourers and artificers, to live plentifully; and a former description reprinted, of the healthiest, pleasantest and richest plantation of New Albion in North Virginia, sowed by thirteen witnesses; together with a letter from master Robert Eccles, that lived there many years, shewing the particularities and excellency thereof; with a brief of the charge of victualling and necessaries, to transport and buy stock for each planter or labourer there, to get his master £. 50 per annum, or more, in twelve years, and at £. 10, charges only a man.'*

From a few extracts of this pamphlet, the reader will see an account of the country in some respects more descriptive than is commonly to be found of that date; he will however, allow for a little more being said than was necessary in some places.

'Now for the full and ample satisfaction of the reader, of his majesty's just title, and power to grant, enjoy, and possess these countries, as well against aliens as Indians, which this forty years hath not been by print declared, you may read at large master Hacluit's voyages and discoveries, master Purchas and captain Smiths: for when the Spaniard and Portugall discover'd and possessed 140 years since the East Indies, Brasill, the south part of America, the Charibees and Antell isles, and seated Saint John de Porto Rico, Hispaniola, Jamaica and Cuba, and the fort and port of Havannah, against the gulf and current, Batwana isles, and point of Florida; then that most powerfull and richest king of Europe, king Henry the seventh of England, sent out an Englishman born

at

John Printz continued governor of the Swedes from his arrival until about the year 1654, when he returned

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‘at Bristol, called Cabot, granted under his greate seale to him all
‘places and countrys by him to be discover’d and possesst, who then
‘beginning at Cape Florida discover’d, entered on, took possession,
‘set up crosses, and procured atturnment and acknowledgement of
‘the Indian kings to his then majesty, as head, lord and emperor
‘of the south west America, all along that coast both in Florida
‘from 20 degrees to 35, where old Virginia in 35 and 30 minutes,
‘65 years since was seated by 5 severall colonies about Croatan cape,
‘Haloraskie, and Rawley’s isle, by sir Walter Rawley, who had
‘from queen Elizabeth that place, and two hundred leagues from it
‘in all places adjoyning; sir Richard Greenfield, sir Ralph Lane,
‘and master White his partners seating and fortifying there; the
‘said Cabot farther taking possession in 37, of that part called
‘Virginia and Chisapeake Bay being now his majesty’s Demesne
‘colony of Virginia, and of the next great bay in or near 39,
‘called now by the Dutch Cape Henlopen, the south river, and by
‘us Cape James and Delaware Bay, of the baron of Delawares
‘name, being then governor of Virginia, who by sir Thomas Dale,
‘and sir Samuel Argoll, 40 years since took possession and atturn-
‘ment of the Indian kings, and 60 years since sir Walter Rawley
‘seated and left 30 men, and four pieces of ordinance, and the
‘creek near Cape James, by the Dutch called Horekill, by us
‘Roymount, and by the Indians Cui Achomoca; and so the next
‘river by us called Hud-on’s river, of the name of Hudson an
‘Englishman, the discoverer thirty five year since, who sold his
‘discovery, plots and cards to the Dutch; and so Cabot discovered
‘severall rivers and countries all along the coast North East, now
‘called New-England, and divided in nine severall governments,
‘and further discovered Port-Royall, and that part called New-
‘Scotland, and set up crosses, where you may see in the French
‘book called New-France, the French found an old crosse all moss,
‘in an eminent place at the head of that bay and port, and dis-
‘covered all that coast and Newfoundland, and that called Terra
‘de Laborador, or New-Britain, as far as the frozen strait of Davis;
‘shortly after one master Hore in the reign of king Henry the 8th,
‘renewed this actuall possession, atturnment of the Indian kings,
‘brought home divers of the chief Indian kings to England, who
‘gave their homage and oath of fidelity for these countries to king
‘Henry the eight in person, setting on his throne in state in his
‘palace hall at Westminster. Then Virginia being granted, settled,
‘and all that part now called Maryland, New-Albion and New-
‘Scotland, being part of Virginia, sir Thomas Dale and sir Samuel
‘Argoll, captains and counsellors of Virginia, hearing of divers
‘aliens and intruders, and traders without license, with a vessell
‘and forty soldiers, landed at a place called Mount Desert, in
‘Nova-Scotia, near St. John’s River, or Twede, possesst by the
‘French,

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Papegoia.

returned to Sweden, having first deputed his son-in-law, John Papegoia, governor in his stead, who also
some

French, there killed some French, took away their guns, and dismantled the fort, and in their return landed at Manhatas-Isle in Hudson's river, where they found four houses built, and a pretended Dutch governor, under the West-India company of Amsterdam share or part; who kept trading boats, and trucking with the Indians; but the said knights told him, their commission was to expell him and all aliens, intruders on his majesty's dominions and territories; this being part of Virginia, and this river an English discovery of Hudson an Englishman, the Dutchman contented them for their charge and voiage, and by his letter sent to Virginia and recorded, submitted himself, company and plantation to his majesty, and to the governor and government of Virginia; but the next pretended Dutch governor in maps of printed cards calling this part New-Netherland, failing in paying of customes at his return to Plymouth in England, was there with his bever, goods and person attached to his damage of £. 1500, whereupon at the suit of the governor and councill of Virginia, his now majesty by his embassadour in Holland, complaining of the said aliens intrusion, on such his territories and dominions, the said lords, the states of Holland by their publique instrument declared, that they did not avow, nor would protect them, being a private party of the Amsterdam West-India company, but left them to his majesty's will and mercy: whereupon three severall orders from the councill table, and commissions have been granted for the expelling and removing them thence, of which they taking notice, and knowing their weakness and want of victuals have offered to sell the same for £. 2500, and lastly taking advantage of our present, war and distractions, now ask £. 7000, and have lately offered many affronts and damages to his majesties subjects in New-England: and in generall endanger all his majesty's adjoyning countries, most wickedly, feloniously, and traiterously, contrary to the marine and admiral laws of all christians, sell by wholesale guns, powder, shot and ammunition to the Indians, instructing them in the use of our fights and arms; insomuch as 2000 indians by them armed, Mohawks, Raritons, and some of Long-Isle with their own guns so sold them, fall into war with the Dutch, destroyed all their scattering farms and boors, inforcing them all to retire to their up fort, 40 leagues up that river and to Manhatas, for all or most retreating to Manhatas, it is now a pretty town of trade, having more English than Dutch: and it is very considerable that three years since Stuy their governor put out his declaration, confessing that the neighbour English might well be offended with their selling Indians arms and ammunition, but being but a few and so scattered, they could not live else there, or trade, the Indians refusing to trade or suffer the Dutch to plow without they would sell them guns. The like folly they committed and inconvenience to themselves, and
all

sometime after returned to his native country, and left the government to John Rysing. He renewed the league

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'all English, for eight years since, in their West-India fleet, battered by the Spanish Armado, they brought home forty Swedish poor soldiers: and hearing that capt. Young and master Evelein had given over their fort begun at Eriwonneck within Delaware Bay, there half starved and totter'd they left them, who learning the Indian language, and finding much talk and trials of a gold mine there, though in truth fifty shillings charges produced of that light sand but nine shillings in gold, and therefore was of capt. Young that tried it slighted; yet one Bagot under the Swedes name and commission, there traded to crosse the Dutch of Manhata, and to undersell them, and left and seated there, eighteen Swedes, who proclaiming a gold mine drew more to them, and have gotten a great trade; and now this last summer fifteen Swedes and fifteen Dutch had a skirmish; the Swedes pulled down a Dutch trading house, and doe both undersell them and spoiled much their and English trading with the Indians, both striving to please and side with the Indians, both entertaining and refusing to return all English fugitives and servants. The Swedes hiring out three of their soldiers to the Sasquehannocks, have taught them the use of our arms and fights, and marching with them into the king's own colony of Virginia, have carried thence the king of Pawtomeck prisoner, and expell'd his and eight other Indian nations in Maryland, civiliz'd and subject to the English crown. Now if a proclamation of open war be set out against the Dutch and Swedes for this their villainy, and all English forbid to trade, victuall or relieve them, they must both vanish, especially if those bad English that live, adhere and obey these aliens in these his majesty's countries, be warned of the statute of king James of famous memory, in these words: *That all subjects giving any obedience or assistance to any foreign prince, state, person, or potentate, within his majesties territories and dominions in England or beyond the sea, is a traitor, and ought to suffer as a traitour.* And certainly all English, and chiefly those of New-England being ready in twenty four hours will joyn to expel them both to regain their own trade, to get their seats, and to be rid of the danger of armed gunning Indians.

'Whereas that part of America, or North Virginia, lying about 39 degrees on Delaware Bay called the province of New Albion, is scituate in the best and same temper, as Italy, between too cold Germany, and too hot Barbary: so this lying just midway betweene New England 200 miles north, and Virginia 150 miles south, where now are settled 8000 English, and 140 ships in trade, is freed from the extream cold and barrennesse of the one, and heat and aguish marshes of the other, and is like Lumbardy, and a rich fat soil, plain, and having 34 rivers on the main land, 17 great Isles, and partaketh of the healthiest aire and most
'excellent

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league of friendship with the English and Dutch in the neighbourhood, and formally with the Indians;
for

‘excellent commodities of Europe, and replenished with the goodliest woods of oaks and all timber for ships and masts, mulberries, sweet cypresse, cedars, pines and firres, 4 sorts of grapes for wine, and raisins, and with the greatest variety of choice fruits, fish and fowl, stored with all sorts of corn, yielding 5, 7 and 10 quarters an acre: silkgras, salt, good mines & diers ware, 5 sorts of deer, buffes, and huge elks to plow and work, all bringing 3 young at once. The uplands covered many moneths with berries, roots, chestnuts, walnuts, beech and oak mast to feed them, hogges and turkeys, 500 in a flock, and having near the colony of Manteses 400000 acres of plain mead land, and meer level, to be flowed and fludded by that river for corn, rice, rapes, flax and hemp. After 17 years trading and discovery there and triall made, is begun to be planted and stored by the governor and company of New Albion, consisting of forty four lords, baronets knights and merchants, who for the true informing of themselves, their friends, adventurers and partners by residents and traders there four severall years out of their journall books, namely, captaine Browne, a ship-master, and master Stafford his uncle, and by captaine Claybourn 14 years there trading, and Constantine his indian there born and bred, and by master Robert Evelylin, 4 years there, yet by eight of their hands subscribed and enrolled doe testifie this to be the true state of the country, of the land and Delaware Bay or Charles River, which is further witnessed by captain Smith and other Books of Virginia and by New Englands prospect, new Canaan, captain Powells map, and other descriptions of New England and Virginia.’

Master EVELIN's Letter.

Good Madam:

‘Sir Edmund our noble governour and lord earl Palatine, persisting still in his noble purpose to go on with his plantation in Delaware or Charles river, just midway between New England and Virginia, where with my unckle Young I severall years resided, hath often informed himselfe both of me and master Stratton, as I perceive by the hands subscribed of Edward Monmouth, Tenis Palee, and as master Buckham, master White, and other ship-masters, and saylors, whose hands I know, and it to be true, that there lived and traded with me, and is sufficiently instructed of the state of the country, and people there, and I should very gladly according to his desire, have waited on you into Hamshire to have informed your honour in person, had I not next weeke been passing to Virginia. But neverthelesse to satisfie you of the truth, I thought good to write unto you my knowledge, and first to describe you from the north side of Delaware unto Hudsons river in sir Edmunds patent, called New Albion, which lieth just between New England and Maryland, and that ocean sea, I take
‘it

for this purpose a meeting was held with the Sachems or Indian chiefs, at Printz's Hall, on Teneccum island where

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'it to be about 160 miles, I finde some broken land, isles and in-
'lets, and many small isles at Egby: But going to Delaware Bay,
'by Cape May, which is 24 miles at most, and is as I understand
'very well set out, and printed in captain Powels map of New-
'England, done as is told mee by a draught I gave to M Daniel,
'the plot-maker, which sir Edmund saith you have at home, on that
'north side about five miles within a Port, or rode for any ships
'called the Nook, and within lieth the king of Kechemeches, hav-
'ing as I suppose about 50 men, and 12 leagues higher a little above
'the Bay and Bar is the river of Manteses, which hath 20 miles on
'Charles river, and 30 miles running up a fair navigable deep river
'all a flat levell of rich and fat black marsh mould, which I think
'to be 300000 acres: In this sir Edmund intendeth as he saith to
'settle, and there the king of Manteses hath about 100 bow-men:
'next above about 6 leagues higher is a fair deep river, 12 miles
'navigable, where is freestone, and there over against is the king of
'Sikoneses, and next is Asomoches river and king with an hundred
'men, and next is Eriwoneck a king of forty men where we sate
'down, and five miles above is the king of Ramcock with a hun-
'dred men, and four miles higher the King of Axion with two
'hundred men, and next to him tenne leagues over land an inland
'king of Calcefar, with an hundred and fifty men, and then there
'is in the middle of Charles river two fair woody isles, very plea-
'sant and fit for parks, the one of a thousand acres, the other of
'fourteen hundred, or thereabout. And six leagues higher near a
'creek called Mosilian, the king having two hundred men. And
'then we come to the Fais, made by a rock of limestone, as
'I suppose it is, about sixty and five leagues from the sea, near to
'which is an isle fit for a city, all materials there to build; and above
'the river fair and navigable, as the Indians inform me, for I went
'but ten miles higher. I doe account all the Indians to be eight
'hundred, and are in several factions and war against the Sa-quehan-
'nocks, and are all extream fearfull of a gun, naked and unarmed
'against our shot, swords, and pikes. I had some bickering with
'some of them, and they are of so little esteem, as I durst with
'fifteen men sit down, or trade in despite of them, and since my
'returne eightene Sweeds are settled there, and so sometime sixe
'Dutch doe in a boat trade without fear of them.

'I saw there an infinite quantity of bustards, swans, geese, and
'fowl, covering the shoares as within the like multitude of pigeons,
'and store of turkies, of which I tried one to weigh forty and sixe
'pounds. There is much variety and plenty of delicate fresh and
'sea-fish, and shell-fish, and whales, or grampus: elks, decre that
'bring three young at a time & the woods bestrewed many moneths
'with chestnuts, wall-nuts, and mast of severall sorts to feed them,
'and hogs, that would increase exceedingly. There the barren
'grounds

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where a speech was made to them in behalf of the queen of Sweden, expressing the desires the Swedes had

‘grounds have four kinds of grapes and many mulberries with ash, elms, and the tallest and greatest pines and pitch trees, that I have seen. There are cedars, cypresse and sassafras, with wilde fruits, pears, wilde cherries, pine-apples, and the dainty parsemenas. And there is no question but almonds, and other fruits of Spain will prosper, as in Virginia. And (which is a good comfort) in four and twenty houres you may send or goe by sea to New England or Virginia, with a fair winde, you may have cattle, and from the Indians two thousand barrels of corn, at twelve pence a bushel in truck, so as victuals are there cheaper and better, than to be transported: Neither do I conceive any great need of a fort or charge, where there is no enemy.

‘If my lord Palatine, will bring with him three hundred men or more, there is no doubt but that he may doe very well and grow rich, for it is a most pure healthfull air, and such pure wholesome springs, rivers and waters, as are delightfull, of a desert, as can be seen, with so many varieties of severall flowers, trees and forests for swine. So many fair risings and prospects, all green and verdant: and Maryland a good friend and neighbour, in four and twenty houres ready to comfort and supply.

‘And truly I beleeve, my lord of Baltimore will be glad of my lord Palatines plantation and assistance against any enemy or bad neighbour. And if my lord Palatine employ some men to sow flaxe, hemp and rapes in those rich marishes, or build ships and make pipe staves, and load some ships with these wares, or fish from the northward, he may have any money, ware, or company brought him by his own ships, or the ships of Virginia or New England all the year.

‘And because your honour is of the noble house of the Pawlets, and as I am informed, desire to lead many of your friends and kindred thither, whom as I honour, I desire to serve, I shall intreat you to beleeve mee as a gentleman and christian, I write you nothing but the truth, and hope there to take opportunity in due season to visit you, and doe all the good offices in Virginia, my place or friends can serve you in. And thus tendering my service, I rest,

Madam,

Your honours most humble faithfull servant.

ROBERT EVELIN.

‘Now since master Elmes letter and seven years discoveries of the lord governor in person, and by honest traders with the Indians we finde beside the Indian kings by him known and printed, in this province there is in all twenty three Indian kings or chief commanders, and besides the number of 800 by him named, there is at least 1200 under the two Raritan kings on the north side next to Hudsons river, and those come down to the ocean about

lead to renew their friendship: The Indians had before made complaint, that the Swedes had introduced much evil

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'about little Egday and Sandy Barnegate, and about the South cape two small kings of forty men a piece, called Tirans and Tiascons, and a third reduced to fourteen men at Roymont, the Sasquehannocks are not now of the naturals left above 110, tho' with their forced auxillaries the Ihon a Does, and Wicomeses they can make 250: these together are counted valiant and terrible to other cowardly dul Indians, which they beat with the sight of guns only.——

'The eight seat is Kildorpy, neer the fals of Charles river, neer 200 miles up from the ocean, it hath clear fields to plant and sow and neer it is sweet large meads of clover or honysuckie, no where else in America to be seen, unlesse transported from Europe, a ship of 140 tuns may come up to these fals which is the best seat for health, and a trading house to be built on the rocks, and ten leagues higher are lead mines in stony hills.

'The ninth is called mount Ployden, the seat of the Rariton king on the north side of this province twenty miles from Sandhay sea, and ninety from the ocean, next to Amara hill, the retired paradise of the children of the Ethiopian emperor, a wonder, for it is a square rock, two miles compasse, 150 foot high, a wall-like precipice, a strait entrance, easily made invincible, where he keeps two hundred for his guard, and under it is a flat valley, all plain to plant and sow.

'The Sasquehannocks new town is also a rare, healthy and rich place, with it a crystal broad river, but some fals below hinder navigation, and the hooke hill on the ocean with its clear fields neer Hudsons river on one side, and a ten leagues flowing river on the south side is much commended for health and fish, were it not so northerly.

'The bounds is a thousand miles compass, of this most temperate rich province, for our south bound is Maryland north bounds, and beginneth at Aquats or the southernmost or first cape of Delaware Bay, in thirty eight and forty minutes, and so runneth by, or through, or including Kent Isle, through Chisapeask Bay to Piscataway; including the fals of Pawtomecke river to the head or northernmost branch of that river, being three hundred miles due west, and thence northward to the head of Hudson's river fifty leagues, and so down Hudson's river to the ocean sixty leagues; and thence to the ocean and isles acrossse Delaware Bay, to the South cape fifty leagues: in all seven hundred and eighty miles. Then all Hudson's river, isles, Long Isle, or Pamunke, and all isles within ten leagues of the said province being; and note, Long isle alone is twenty broad, and one hundred and eighty miles long, so that alone is four hundred miles compasse. Now I have examined all former patents, some being surrendered, and some adjudg'd void, as gotten on false suggestions, as that at the

'councill

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evil amongst them; because many of the Indians since their coming were dead; but the Swedes now making them considerable presents, these received and divided amongst them, one of their chiefs, whose name was Noaman, made a speech rebuking the rest for having spoken evil of the Swedes, and done them harm; telling them they should do so no more, that the Swedes were a good people, and thanking them for the presents, promised for the future, that a more strict friendship should be observed betwixt them: That as formerly they had been but one body and one heart, they should be henceforward, as one head, as

a

'councell table was at master Gorges suit, of Manticlusets, and
'as capt. Clayborn, heretofore secretary and now treasurer of
'Virginia, in dispute with master Leonard Calvert alledged; that
'of Maryland is likewise void in part as gotten on false suggestions;
'for as capt. Clayborn, sheweth the Maryland patent in the first
'part declareth the king's intention to be to grant a land thereafter
'described, altogether dishabited and unplanted, though possess
'with Indians. Now Kent isle was with many households of
'English by C. Clayborn before seated, and because his majesty
'by his privy signet shortly after declared it was not his intention
'to grant any lands before seated and habited: and for that it lieth
'by the Maryland printed card, clean north-ward within Albion,
'and not in Maryland, and not onely late sea-men, but old deposi-
'tions in Claybornes hand, shew it to be out of Maryland, and
'for that Albions privy signet is elder, and before Maryland
'patent, Clayborn by force entered, and thrust out master Calvert
'out of Kent; next Maryland patent coming to the ocean, saith
'along by the ocean upon Delaware Bay; that is the first cape of
'the two most plain in view, and exprest in all late English and
'Dutch cards; and note unto Delaware Bay is not into the Bay, nor
'farther then that cape heading the Bay, being in thirty eight and
'forty, or at most by seven observations I have seen, thirty eight
'and fifty minutes: So as undoubtedly, that is the true intended
'and ground bound, and line, and no farther, for the words follow-
'ing are not words of grant, but words of declaration; that is,
'Which Delaware Bay lieth in forty degrees where New-England
'ends; these are both untrue, and so being declarative is a false
'suggestion; is void, for no part of Delaware Bay lieth in forty.
'Now if there were but the least doubt of this true bounds, I should
'wish by consent or commission, a perambulation and boundary, not
'but there is land enough for all, and I hold Kent isle having
'lately but twenty men in it, and the mill and fort pulled down, and
'in war with all the indians neer it, not worth the keeping.

a token of which he waived both his hands as if tying a strong knot, promising also that if they heard of any mischief plotting against the Swedes, although it were midnight, they would give them notice, and desired the like notice from the Swedes, if they understood harm was intended them; the Swedes then desiring the Indians in general would give them some signal that they all assented to what was said; they gave a general shout of approbation, and in the conclusion were entertained by the Swedes with victuals and drink; it was observed the Indians kept this league faithfully: The Swedish ships sent to succour this new colony, being obstructed in their intended voyage, by the Spaniards; and the Swedes unable for want of money to keep their forts in repair; gave their more powerful neighbours the Dutch, opportunity with less danger to make encroachments upon them. Accordingly, in this year, the Dutch who inhabited near Virginia and New-Sweden, gave the Swedes disturbance, seeking to regain the forts they had formerly possessed: But this by means of the Swede governor, with Peter Stuyvesant, who commanded under the Dutch, at New-Amsterdam, was in appearance settled; yet in the year following, the Dutch fitted out seven vessels from New-Amsterdam, with six or seven hundred men; who in the summer, under the command of Stuyvesant, came up Delaware, and took their first quarters at Elsingburgh, where they made some Swedes prisoners: Next they sailed towards a fort called Holy Trinity; having landed their men at a point near the place, and intrenched themselves, they soon after went up to the fort, and demanded a surrender, threatening what they would do in case of refusal: After which, by treaty or otherwise, they gained possession, took down the Swedes flag, and hoisted their own, securing all places with

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Stuyvesant's expedition.

gains possession.

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their soldiers, and sending the Swedes they had taken prisoners, on board their vessels:—An acquisition deemed considerable, because this fort was looked upon as the key of New-Sweden.

Terms.

On the second of September, they besieged Christiana fort and town; and destroyed New Gottenburgh, with such houses as were without the fort; plundering the inhabitants of what they had, and killing their cattle; the Swedes endeavoured to persuade the Dutch to desist from these acts of hostility, but to no purpose: After 14 days siege, they (in want of Ammunition) were obliged to surrender upon terms: That all the great guns should be restored; to which purpose an inventory was taken; the Swedes had also the gratification to march out of the fort, with their arms, their colours flying, and drums beating. The officers and other principal inhabitants among the Swedes, were carried prisoners to New-Amsterdam, and thence to Holland; but the common people submitting to the Dutch, remained in the country.

1664.

From this time till the year 1664, New-Sweden, and New-Netherland, continued in possession, and under government of the Dutch; who, on the island called Manhattan, at the mouth of Hudson's river, had built the city, which they named New-Amsterdam (New York); and the river they sometimes called the Great River: About 150 miles up, they built a fort, and called it Orange. (Albany) from thence they drove a profitable trade with the Indians, who came over land as far as from Quebec, to deal with them. The first bounds of New-York, were Maryland on the south, the main land as far as could be discovered westward, the river of Canada northward, and New-England eastward: But the limits of this province, by the grants afterwards, were reduced into a much narrower compass; that now called New-Jersey, in virtue of one of those grants,

was

was probably so denominated, in compliment to sir George Carteret, one of the proprietors, and a Jersey man.*f*.

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1664.

CHAP. III.

The particulars of the English conquest in 1664, and the transactions afterwards respecting the inhabitants on Delaware: The arrival of Francis Lovelace, as governor, part of his administration, and description of the Hoarkills.

KING Charles the second, considering of what ill consequence a Dutch colony must be in the heart of his dominions, and determining to dispossess them, gave a patent to his brother the duke of York, for a great part of North-America, in which were included the provinces New-York, New-Jersey, and all other lands thereunto appertaining, with powers of government: And though his reign was not enterprizing, the Duke's concern in this property, and the aversion of both to the Dutch^g made the reduction of this country the first military stroke. Before there was any formal declaration of war with Holland, Sir Robert Currie, was sent to America, with a small fleet and some land forces, to put the Duke in possession of the country; this appears by the date of the commission given on this occasion, which was *the 26th of April 1664*, and the war with Holland was not declared till some months after.

Sir Robert
Currie, &c.

Thus the Dutch here, being unprovided for defence against a royal squadron and land forces, rendered the
expedition

i. It is said for some little time at first, to have bore the name *New Clarendon*.

g. Vid. Life of E. of Clarendon, Oxford printed at Clarendon printing house. Vol. ii. p. 373. &c.

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arrives and

dispossesses
the Dutch.

expedition safe and easy, Carre had joined with him in commission, col. Richard Nicolls, George Cartwright, and Samuel Meverike. They arrived at Hudson's River the latter end of 1664, at which time the Dutch could have but very little notice⁴ of the designed rupture: The land forces consisting of three hundred men, were under the command of col. Nicolls. The Dutch governor, an approved soldier, who had lost a leg in the service of the states, being unprepared for this attack, and knowing perhaps the defects of the Dutch title, at least their present incapacity of defence, was after some time prevailed on to surrender quietly. The papers and messages that passed between him and the English on this occasion, will give the reader a full insight into the manner and terms of this surrender.

When the English arrived at New-Amsterdam, a proclamation was made and spread through the country of the design of their coming, conceived in the terms following.

‘By his Majesty’s command.

Procla-
mation.

‘Forasmuch as his majesty hath sent us by commis-
‘sion, under his great seal of England, amongst other
‘things, to expel or to reduce to his majesty’s obedience,
‘all such foreigners as have without his majesty’s leave
‘and consent, seated themselves amongst any of his
‘dominions in America, to the prejudice of his majes-
‘ty’s subjects and the diminution of his royal dignity:
‘We his majesty’s commissioners do declare and pro-
‘mise, that whosoever of what nation soever, will upon
‘knowledge of this proclamation, acknowledge and
‘testify themselves to submit to his majesty’s govern-
‘ment, as his good subjects ought to do, shall be pro-
‘tected by his majesty’s laws and justice, and peace-
‘ably enjoy whatsoever God’s blessing and their own
‘honest industry have furnished them with; and all
‘other

h. The first notice they had was from Thomas Willet, an Englishman, about 6 weeks before their arrival.

‘other privileges with his majesty’s English subjects:
 ‘We have caused this to be published, that we might
 ‘prevent all inconveniencies to others if it were possi-
 ‘ble, however, to clear ourselves from the charge of all
 ‘those miseries that anyway may befall such as live here,
 ‘and will not acknowledge his majesty for their sove-
 ‘reign: Whom God preserve.’

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The Dutch governor Stuyvesant, upon notice of the arrival of the English in the Bay, dispatched the following letter,

Right honourable Sirs,

‘Whereas we have received intelligence, that about
 ‘three days since, there arrived an English man of Stuyve-
 ‘war, or frigate in the Bay of the North River, sant’s letter.
 ‘belonging to the New Netherlands, and since that
 ‘three more are arrived, by what order or pretence is
 ‘yet unknown to us; and having received various
 ‘reports concerning their arrival upon this coast, and
 ‘not being apt to entertain any prejudice intended
 ‘against us, have by order of the commander in chief
 ‘of the New Netherlands, thought it convenient and
 ‘requisite, to send the worshipful the bearer hereof,
 ‘that is to say, the worshipful John Deelyer, one
 ‘of the chief council, the reverend John Megapolensis,
 ‘minister, Paul Leendelvandergrift, mayor of
 ‘this town, and have joined with them Mr. Samuel
 ‘Megapolensis, doctor in physick, whom by these
 ‘presents I have appointed and ordered, that with the
 ‘utmost respect and civility, they do desire and entreat
 ‘of the commander in chief of the aforesaid men of
 ‘war or frigates, the intent and meaning of their
 ‘approach, and continuing in the harbour of Nijjaely,
 ‘without giving any notice to us, or first acquainting
 ‘us with their design, which action hath caused much
 ‘admiration in us, having not received timely know-
 ‘ledge of the same, which in respect to the govern-
 ‘ment of the place, they ought, and were obliged to
 ‘have done; wherefore upon the considerations afore-
 ‘said, it is desired and entreated from the general of
 the

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‘ the aforesaid men of war or frigates, as also from our
‘ before deputed agents, whom we desire your honours
‘ civilly to treat, and to give and render unto them,
‘ the occasion of your arrival here upon this coast, and
‘ you will give an opportunity (that after our hearty
‘ salutes and wellwishes of your health,) to pray, that
‘ you may be blessed in eternity, and always remain,
‘ right honourable sirs, your honours affectionate
‘ friend and servant,
P. STUYVESANT.

‘ By order and appointment of the governor and com-
‘ mander in chief of the council of New Netherlands,
‘ the 19-29 of August, 1664.

CORNELIUS RUYVEN, Secretary.”

To this letter col. Nicolls sent the answer following.

‘ To the honourable the governor and chief council at
‘ the Manhatans.*i*

‘ Right worthy Sirs,

Nicoll's
reply.

‘ I received a letter by some worthy persons entrusted
‘ by you, bearing date the 19-29th of August, desiring
‘ to know the intent of the approach of the English
‘ frigates, in return of which I think fit to let you
‘ know, that his majesty of Great-Britain, whose right
‘ and title to these parts of America is unquestionable,
‘ well knowing how much it derogates from his crown
‘ and dignity, to suffer any foreigners how near soever
‘ they be allied, to usurp a dominion, and without his
‘ majesty's royal consent, to inhabit in these or any
‘ other his majesty's territories; hath commanded me
‘ in his name, to require a surrender of all such forts,
‘ towns or places of strength, which are now possessed
‘ by the Dutch under your commands; and in his
‘ majesty's name I do demand the town situate upon the
‘ island commonly known by the name of Manhatoes,
‘ with all the forts thereunto belonging, to be rendered
‘ unto his majesty's obedience and protection unto my
‘ hands: I am further commanded to assure you, and
every

i. The Indian name, by which New-York island was formerly called.

‘every respective inhabitant of the Dutch nation, that
 ‘his majesty being tender of the effusion of christian
 ‘blood, doth by these presents, confirm and secure to
 ‘every man, his estate, life and liberty, who shall
 ‘readily submit to his government; and all those who
 ‘shall oppose his majesty’s gracious intentions, must
 ‘expect all the miseries of a war which they bring upon
 ‘themselves. I shall expect your answer by those
 ‘gentlemen, colonel George Cartwright, one of his
 ‘majesty’s commissioners in America, captain Robert
 ‘Needham, capt. Edward Groves, and Mr. Thomas
 ‘Delavall, whom you will entertain and treat with such
 ‘civility as is due to them and yourselves, and you shall
 ‘receive the same from, worthy sirs, your very hum-
 ‘ble servant,

RICHARD NICOLLS.

‘Dated on board his majesty’s ship the Guinea, riding
 ‘before Naijack, the 20–30 of August 1664.

Stuyvesant now fully informed of the English
 general’s business from himself, returned in answer:

Stuyve-
 sant’s an-
 swer.

‘That they were so confident of the discretion and
 ‘equity of his majesty of Great-Britain, that were his
 ‘majesty truly informed of their right, he would not
 ‘have given such an order: That the Dutch came not
 ‘into these provinces by any violence, but by virtue of
 ‘a commission from the states general in 1614, when
 ‘they settled the North River, near fort Orange, and
 ‘to avoid the invasions and massacres commonly com-
 ‘mitted by the savages; they built a little fort there:
 ‘That afterwards in the year 1662, and at the present
 ‘time, by virtue of a commission and grant to the
 ‘governor of the West-India company, and another
 ‘in the year 1656 of the South River, to the burgo-
 ‘masters of Amsterdam, they had peaceably governed
 ‘and enjoyed these provinces: That they were the first
 ‘discoverers, had purchased the land of the natives,
 ‘princes of the country; and had continued in the
 ‘uninterrupted possession thereof: That they made
 ‘no doubt that if his majesty of Great-Britain, were
 ‘truly informed of these passages, he was too judicious

to

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‘to give any order that the places and fortresses in their hands should be given up, especially at a time when so strict a friendship subsisted between his majesty and the states general: That the offering any act of hostility and violence against them, would be an infraction of the treaty, which subsisted between his majesty of Great-Britain and the states general: That as to the threats in the conclusion of general Nicoll’s letter, he had nothing to answer, only that they feared nothing but what God should lay upon them.’

Col. Nicolls, receiving this answer, found nothing was to be done by delay; and being resolved to assert his masters right in the best manner he could, directed an order to capt. Hide to this effect:

Order to
Hide.

‘Whereas the governor and council of the Dutch plantation upon the Manhatoes, in Hudson’s River, have in answer to a summons returned their resolutions to maintain the right and title of the states general and West-India company of Holland, to their forts, towns and plantations in these parts of America: I do therefore in prosecution of his majesty’s service, recommend to captain Hugh Hide, commander in chief of the squadron, to prosecute with the advice of the captains under his command, his majesty’s claim and interest, by all ways and means as they shall think most expedient, for the speedy reducing the Dutch under his majesty’s obedience, and for so doing this shall be their warrant. Given under my hand the 24th of August 1664, on board his majesty’s ship the Guinea.’

RICHARD NICOLLS.’

It appearing by this order, and preparations in consequence of it, that the English were not come for amusement only; Stuyvesant thought it best before matters were carried too far, to propose one expedient more; this he did by letter to col. Nicolls, the 4th September.

My Lord,

Stuyvesant’s third
letter.

‘Upon our letter the day before yesterday, and upon the communication by word of mouth, of our deputies

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'deputies, touching the just right and possession;
 'without dispute of my lords, the states general of the
 'united provinces, as also of our discovery of the
 'news from Holland; which makes us not to doubt
 'but that the king of Great-Britain, and my lords
 'the said states, are at this hour agreed upon their
 'limits: this had given us hope my lord to avoid all
 'dispute; that you would have desisted from your
 'design, or at least have given time that we might have
 'heard from our masters; from which expectation we
 'have been frustrated by the report of our said deputies,
 'who have assured us by word of mouth, that you
 'persist on your summons and letter of 20-30 August,
 'upon which we have no other thing to answer, but
 'that following the order of my lords the states
 'general, we are obliged to defend our place; how-
 'ever that in regard that we make no doubt, that
 'upon your assault and our defence, there will be a
 'great deal of blood spilt; and besides it is to be feared
 'greater difficulty may arise hereafter; we have
 'thought fit to send unto you, Mr. John de Decker,
 'counsellor of state; Cornelius Van Riven, secretary
 'and receiver; Cornelius Steenwick, mayor, and
 'James Coussea, sheriff; to the end of finding some
 'means to hinder and prevent the spilling of innocent
 'blood, which we esteem my lord not to be your
 'intention; praying that you will please to appoint a
 'place and hour, and send or cause your deputies to
 'meet there, with full commission to treat and seek
 'out the means of a good accommodation; and in
 'the mean time to cause all hostility to cease: Upon
 'which, after recommending you to the protection of
 'God, we remain, my lord, your thrice affectionate
 'friend and servant,

P. STUYVESANT.

To this col. Nicoll's replied, in a letter directed
 to the honourable the governor of the Manhatoes,
 as follows:

Right

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Right worthy sir,

‘In answer to yours of the 4th of September, new
‘style, by the hands of John de Decker, counsellor of
‘state, Cornelius Van Riven, secretary and receiver,
‘Cornelius Steenwick, burgo master, and James
‘Causseau, sheriff, I do think it once more agreeable
‘to the kings intentions, and my duty to his strict
‘commands, to propose and receive all ways and
‘means of avoiding the effusion of christian blood;
‘of which sincere intention, I suppose you are already
‘fully satisfied, and shall have no cause to doubt it
‘for the future; as also that I do insist upon my first
‘summons and message to you, for a speedy surrender
‘of the towns and forts now under your command,
‘into his majesty’s obedience and protection. You
‘may easily believe that in respect of greater difficulties
‘which are ready to attend you, I should willingly
‘comply with your proposition to appoint deputies,
‘place and time to treat of a good accommodation;
‘but unless you had also given me to know, that by
‘such a meeting you do intend to treat upon articles of
‘surrender, I do not see just cause to defer the pur-
‘suance of his majesty’s commands, my first demand
‘and my last answer, of reducing your towns and
‘forts to his majesty’s obedience; which, why you call
‘acts of hostility, I see no reason: However, since you
‘have given yourself and messengers this new trouble.
‘I shall also take this fresh occasion, to assure you
‘that I heartily wish health, peace and prosperity, to
‘every inhabitant of your plantations, and particularly
‘to yourself, as being your affectionate humble servant,

RICHARD NICOLLS.

Gravesend, 25th August 1664.

The Dutch governor finding Nicolls grew more resolute in his enterprize, and the country in general for him, after having tried, in vain, what other pacifick expedients he could, at last agreed to a surrender of the fort and province under his government, and commissioners were authorized to treat upon the articles; those

on the part of the English were, sir Robert Carre, knt. A. D. 1664. colonel George Cartwright, John Winthrop, esq; governor of Connecticut, and Samuel Willis, one of his Commissioners. council, capt. Thomas Clarke, and capt. John Punctwon, commissioners from the general court of the Massachusetts, the persons named by governor Stuyvesant were, John de Decker, Nicholas Varlett, commissary, concerning matters of traffick, Samuel Megapolensis, Cornelius Steenwick, Stephen Courtland, and James Coussea.

The articles of this treaty as they are signed and confirmed by col. Nicolls and governor Stuyvesant, and subscribed by the commissioners, bear date the 27th of August 1664 old stile, and are as follows.

1. We consent that the states general, or the West India company, shall freely enjoy all farms and houses, except such as are in the forts, and that within six months they shall have free liberty to transport all such arms and ammunition, as now do belong to them, or else they shall be paid for them. Articles.

2. All publick houses shall continue for the uses which now they are for.

3. All people shall still continue free demnizens, and enjoy their lands, houses, goods, ships wheresoever they are within the country, and dispose of them as they please.

4. If any inhabitant have a mind to remove himself, he shall have a year and six weeks from this day to remove himself, wife, children, servants, goods, and to dispose of his lands here.

5. If any officer of state or publick minister of state have a mind to go for England, they shall be transported freight free in his majesty's frigates, when those frigates return thither.

6. It is consented to that any people may freely come from the Netherlands, and plant in this country, and that Dutch vessels may freely come hither, and any of the

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the Dutch may freely return home, or send any sort of merchandize home in vessels of their own country.

7. All ships from the Netherlands, or any other place and goods therein shall be received here and sent hence after the manner which they formerly were, before our coming hither for six months next ensuing.

8. The Dutch shall enjoy the liberty of their consciences, in divine worship and Dutch discipline.

9. No Dutchman here, or Dutch ship here, shall upon any occasion be pressed to serve in war against any Nation whatsoever.

10. That the townsmen of the Manhatoes shall not have any soldiers quartered upon them, without being satisfied and paid for them by the officers, and that at this present, if the fort be not capable of lodging all the soldiers, then the burgomaster by his officers, shall appoint some houses capable to receive them.

11. The Dutch here shall enjoy their own customs concerning their inheritances.

12. All publick writings and records, which concern the inheritances of any people, or the reglement of the church or poor or orphans, shall be carefully kept by those in whose hands now they are, and such writings as particularly concern the states general, may at any time be sent to them.

13. No judgment that hath passed any judicature here, shall be called in question, but if any conceive he hath not had justice done him, if he apply himself to the States General, the other party shall be obliged to answer for the supposed injury.

14. If any Dutch living here, shall at any time desire to travel or traffick into England, or any place or plantation in obedience to his majesty of England, or with the Indians, he shall have upon his request to the governor, a certificate that he is a free Denizen of this place, and liberty it to do.

15. If it do appear that there is a publick engagement of debt, by the town of Manhatoes, and a
way

way agreed on for the satisfying of that engagement, it is agreed that the same way proposed shall go on; and that the engagements shall be satisfied.

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16. All inferior civil officers and magistrates, shall continue as they now are, if they please, till the customary time of new election, and then new ones to be chosen by themselves; provided that such new chosen magistrates, shall take the oath of allegiance to his majesty of England, before they enter upon their offices.

17. All differences of contracts and bargains made before this day, by any in this country, shall be determined according to the manner of the Dutch.

18. If it does appear that the West-India company, of Amsterdam, do really owe any sums of money to any persons here; it is agreed that recognition and other duties payable by ships going for the Netherlands be continued for six months longer.

19. The officers military and soldiers, shall march out with their arms, drums beating, and colours flying, lighted matches; and if any of them will plant they shall have fifty acres of land set out to them; if any of them will serve any as servants, they shall continue with all safety and become free Denizens afterwards.

20. If at any time hereafter the king of Great-Britain and the States of the Netherland, do agree that this place and country be redelivered into the hands of the said states, whensoever his majesty will send his commands to redeliver it, it shall immediately be done.

21. That the town of Manhatans shall choose deputies, and those deputies shall have free voices in all publick affairs.

22. That those who have any property in any houses in the fort of Aurania, shall if they please, slight the fortifications there, and then enjoy all their houses as all people do where there is no fort.

23. If there be any soldiers that will go into Holland, and if the company of West India in Amsterdam

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dam, or any private persons here, will transport them into Holland, then they shall have a safe passport from col. Richard Nicolls, deputy governor under his royal highness, and the other commissioners, to defend the ships that shall transport such soldiers and all the goods in them from any surprizal or act of hostility to be done by any of his majesty's ships or subjects.

24. That the copies of the king's grant to his royal highness, and the copy of his royal highness's commission to col. Richard Nicolls, testified by two commissioners more and mr. Winthrop, to be true copies, shall be delivered to the honourable Mr. Stuyvesant, the present governor, on Monday next by eight of the clock in the morning, at the old Milne, and these articles consented to and signed by col. Richard Nicolls, deputy governor to his royal highness, and that within two hours after the fort and town called New Amsterdam, upon the island of Manhatoes, shall be delivered into the hands of the said col. Richard Nicolls, by the service of such as shall be by him thereunto deputed by his hand and seal.

The articles agreed on, the fort and city of New-Amsterdam, were surrendered. Some of the houses were then built of brick and stone, and in part covered with red and black tile, and the land being high, it made an agreeable prospect to those that visited it from the sea; Most of the Dutch inhabitants remained, and took the oaths to the English government; and they and their posterity have been loyal subjects ever since.^k

Thirteen days after the surrender of New Amsterdam, col. Nicolls, marched up the country to Orange fort, and having taken it without much resistance, he gave it the name of Albany, the duke of York's
Scotch

Fort
Orange.

^k In the year 1751, as some workmen were digging down the bank of the North River, in New York, in order to build a still-house, a stone wall was discovered between four and five feet thick, near eight feet under ground, supposed to have been the breast work of a battery.

Scotch title: But previous to the taking of this fort, the colonel and other commissioners sent sir Robert Carre with the ships under his command, on an expedition into Delaware bay and river, to reduce the inhabitants there. To this end they granted him their commission.

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Carre's
expedition
to Dela-
ware.

'Whereas we are informed that the Dutch have seated themselves at Delaware Bay, on his majesty of Great-Britain's territories, without his knowledge and consent, and that they have fortified themselves there, and drawn a great trade thither, and being assured that if they be permitted to go on, the gaining of this place will be of small advantage to his majesty: We his majesty's commissioners, by virtue of his majesty's commission and instructions to us given, have advised and determined to endeavour to bring that place and all strangers there, in obedience to his majesty, and by these do order and appoint that his majesty's frigates, the Guinea, and the William and Nicholas, and all the soldiery which are not in the fort, shall with what speed they conveniently can go thither, under the command of sir Robert Carre, to reduce the same, willing and commanding all officers at sea and land and all soldiers to obey the said sir Robert Carre during this expedition. Given under our hands and seals, at the fort in New-York, upon the isle of Manhatoes, the third day of September, 1664.

His com-
mission.

RICHARD NICOLS.

GEORGE CARTWRIGHT.

SAMUEL MAVERICK.

With this commission, instructions were delivered Carre, respecting the manner in which he was to conduct on his arrival in the bay of Delaware.

'Instructions for sir Robert Carre, for the reducing of Delaware bay, and settling the people there, under his majesty's obedience.'

'When you are come near unto the fort, which is possessed by the Dutch, you shall send your boat

on

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‘on shore, to summons the governor and inhabitants
‘to yield obedience to his majesty, as the rightful
‘sovereign of that tract of land; and let him and
‘them know, that all the planters shall enjoy their
‘farms, houses, land, goods and chattels, with the
‘same priviledges, and upon the same terms which
‘they do now possess them; only that they change
‘their masters, whether they be the West-India com-
‘pany, or the city of Amsterdam. To the Swedes
‘you shall remonstrate their happy return under a
‘monarchical government, and his majesty’s good
‘inclinations to that nation, and to all men, who
‘shall comply with his majesty’s rights and titles in
‘Delaware, without force of arms.

‘That all cannon, arms and ammunition which
‘belongs to the government, shall remain to his
‘majesty.

‘That the acts of parliament shall be the rule for
‘future trading.

‘That all people may enjoy liberty of conscience.

‘That for six months next ensuing, the same magis-
‘trates shall continue in their offices, only that they
‘and all others in authority must take the oath of
‘allegiance to his majesty, and all publick acts be
‘made in his majesty’s name.

‘If you find you cannot reduce the place by force,
‘or upon these conditions, you may add such as you
‘find necessary on the place; but if those, nor force,
‘will prevail, then you are to dispatch a messenger
‘to the governor of Maryland, with a letter to him;
‘and request his assistance, and of all other English
‘who live near the Dutch plantations.

‘Your first care (after reducing the place) is to
‘protect the inhabitants from injuries, as well as vio-
‘lence of the soldiers; which will be easily effected, if
‘you settle a course for weekly or daily provisions by
‘agreement with the inhabitants; which shall be
‘satisfied to them, either out of the profits, customs
‘or rents belonging to their present master, or in case
‘of necessity from hence.

‘The

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‘The laws for the present cannot be altered, as to the administration of Justice between the parties.

‘To my lord Baltimore’s son you shall declare, and to all the English concerned in Maryland, that his majesty hath, at his great expence, sent his ships and soldiers to reduce all foreigners in those parts to his majesty’s obedience; and to that purpose only, you are employed: But the reduction of the place being at his majesty’s expence, you have commands to keep possession thereof for his *Majesty’s own behoof and right*; and that you are ready to joyn the governor of Maryland, upon his majesty’s interest on all occasions; and that if Lord Baltimore doth pretend right thereto by his patent, (which is a doubtful case) you are to say, that you only keep possession till his majesty is informed and satisfied otherwise. In other things, I must leave you to your discretion, and the best advice you can get upon the place.’

In pursuance of this commission, Carre soon set sail, with the ships under his command. On his arrival against New-Castle, (then called New-Amstel) the Dutch and Swedes, following the example of their capital, New-Amsterdam, capitulated and surrendered their fort. The articles were signed and sealed by the English commanding officer, and six of the principal inhabitants of the place, on behalf of themselves, and others.

New-Castle.

‘Articles of agreement between the honourable sir Articles.

‘Robert Carre, knight, on the behalf of his majesty of Great-Britain, and the burgo-masters, on behalf of themselves, and all the Dutch and Swedes, inhabiting on Delaware bay, and Delaware river.’

‘1. That all the burgesses and planters will submit themselves to his majesty, without any resistance.

‘2. That whoever, or what nation soever, doth submit to his majesty’s authority, shall be protected in their estates, real and personal whatsoever, by his majesty’s laws and justice.

D

‘3. That

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'3. That the present magistrates shall be continued
'in their offices, and jurisdiction to exercise their
'civil power as formerly.

'4. That if any Dutchman or other person shall
'desire to depart from this river, it shall be lawful
'for him so to do with his goods, within six months
'after the date of these articles.

'5. That the magistrates and all the inhabitants
'(who are included in these articles) shall take the
'oaths of allegiance to his majesty.

'6. That all people shall enjoy the liberty of their
'consciences, in church discipline as formerly.

'7. That whoever shall take the oaths, is from that
'time a free Denizen, and shall enjoy all the privi-
'leges of trading into any of his majesty's domi-
'nions, as freely as any Englishman, and may require
'a certificate for so doing.

'8. That the schout, the burgo-master, sheriff,
'and other inferior magistrates, shall use and exercise
'their customary power, in administration of justice,
'within their precincts for six months, or until his
'majesty's pleasure is further known.

Dated October 1st 1664.

New-Amsterdam, Orange Fort, and the inhabitants
up Delaware, being reduced, the whole country was
in a manner in possession of the English; and things
being in a quiet posture about New-York, Nicolls
was commissioned the 24th of October, 1664, by
Cartwright and Mevericke, to repair to Delaware bay,
for government of the place, by deputing such officers
civil and military, and taking such other measures as
he should think proper, until the kings pleasure was
further known. Thus things rested till 1668; when
Nicolls and his council at New-York, gave the follow-
ing

1668.

1. In the begining of the year 1665, there was a comet visible
to the people on this continent: It had appeared in the November
before, and continued four months: It rose constantly about one
o'clock in the morning, in the south-east. It was seen likewise in
England, and in most other parts of the world, at the same time.

ing directions for a better settlement of the government on Delaware.

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1668.

Directions
for the go-
vernment
at Dela-
ware.

‘That it is necessary to hold up the name and countenance of a garrison in Delaware, with twenty men and one commission officer.

‘That the commission officers shall undertake to provide all sorts of provision for the whole garrison, at the rate of 5d. per day, viz. wholesome bread, beer, pork, pease or beef, that no just complaint be made of either: That the soldiers, (so far as conveniently they may,) be lodged in the fort, and keep the Stockadoes up in defence: that the civil government in the respective plantations be continued till further orders.

‘That to prevent all abuses or oppositions in civil magistrates, so often as complaint is made, the commission officer capt. Carre, shall call the scout, with Hans Block, Israel Holme, Peter Rambo, Peter Cock, Peter Aldrick, or any two of them, as counsellors to advise, hear, and determine by the major vote, what is just, equitable and necessary in the case and cases in question.

‘That the same persons also, or any two or more of them, be called to advise and direct what is best to be done in all cases of difficulty, which may arise from the Indians, and to give their counsel and orders for the arming of the several plantations and planters, who must obey and attend their summons upon such occasion.

‘That two thirds at least of the soldiers remain constantly in and about New-Castle at all hours.

‘That the fines or preminures and light offences, be executed with moderation, though it is also necessary that ill men be punished in an exemplary manner.

‘That the commission officer capt. Carre, in the determination of the chief civil affairs, whereunto the temporary beforementioned counsellors are ordained shall have a casting voice where votes are equal.

‘That the new appointed counsellors are to take the oath to his royal highness.

‘That

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‘That the laws of the government, established by his royal highness, be shewed and frequently communicated to the said counsellors and all others, to the end that being therewith acquainted, the practice of them may also in convenient time be established; which conduceth to the publick welfare and common justice.

‘That no offensive war be made against any Indians, before you receive directions from the governor for your so doing.

‘That in all matters of difficulty and importance, you must have recourse by way of appeal, to the governor and council at New-York.’

These instructions bore date *the 21st of April 1668*; within two months afterwards, the government at New-York received advice, that some of the tribe of the Mantas Indians, nigh Delaware, had murdered the servants of one Tomm. Peter Aldricks and Peter Rambo, arriving soon after, confirm’d that news, and further inform’d the government, that the Indians in those parts desir’d, there should be an absolute prohibition upon the whole river, of selling strong liquor to the Indians generally; by which it seems the late murders had probably been the consequence of a drunken frolick; this is the more likely, as the whole body of the Indians in the first settled part of the lands on Delaware, afterwards through a long course of experience, manifested an open hospitable disposition to the English, and were in the general, far from any designs to their prejudice. The governor and colonel Lovelace wrote to Carre, authorizing him to convene those joined with him in commission for the management of civil affairs, and with their advice to make all necessary rules and give orders for the government of both christians and Indians; and because those murders, and the restraining the Indians from strong liquors, might be attended with difficulties, Carre was ordered, after consulting the

Indian
Murders.

the Indians on the best method of proceeding, to send the state of the matter to the council at New-York.

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1668.

Another disturbance that soon followed, took up their attention for a while, and seem'd likely to prove an affair of some consequence against the new-establish'd government, but was prevented by the vigilance of the persons in administration. A Swede at Delaware, who gave out that he was the son of Coningsmarke, the Swedish general, went up and down from one place to another, spreading rumours to the disturbance of civil peace and the laws, intending thereby to make a party strong enough to raise an insurrection, and if possible, throw off the English allegiance; to him was associated Henry Coleman, one of the Firms, and an inhabitant at Delaware: The last left a good habitation, cattle and corn, and was well versed in the Indian language; as they both kept very much among the Indians their designs were the more suspected. The government however, ordered a proclamation, that if Coleman did not surrender himself, to answer what should be objected against him in fifteen days, his estate should be secured to the king's use; whether he came in appears not, but the other being a vagrant, more effectual measures were used, so that he was soon in custody; all the rest who had a hand in the plot, were by the government at York, bound to give security to answer for their conduct, and an account of their estates ordered to be taken: The governor in the mean time tells Carre in his letter upon this occasion, 'That
'as for the poor deluded sort, I think the advice of
'their own countrymen is not to be despised, who
'knowing their temper well, prescribed a method for
'keeping them in order, which is severity, and laying
'such taxes on them as may not give them liberty to
'entertain any other thoughts but how to discharge
'them.—

Henry
Coleman.

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1668.

‘them.—I perceive the little Domine hath played the
‘trumpter to this disorder; I refer the quality of his
‘punishment to your direction.’

At a council held at New-York, October 18, 1669.

PRESENT: The Governor, Thomas Delaval,
Ralph Whitfield, Thomas Willet, seery.

Connings-
marke.

This affair being taken into consideration, it was
adjudged that Conningsmarke, commonly called the
long Finne, deserv’d to die, yet in regard that
many concern’d with him in the insurrection, might
also be involv’d in the premunire, if the rigour of the
law should be extended, and amongst them diverse sim-
ple and ignorant people, it was thought fit to order
that the long Finne should be severely whipt, and stig-
matized with the letter R, with inscription in great
letters on his breast, that he received that punishment
for rebellion, and after to be secured till sent to ‘Bar-
‘badoes or some other remote plantation to be sold:’ It
was further ordered, that the chief of his accomplices
should forfeit to the king, one half of their goods and
chattels, and a smaller mulct laid on the rest to be left
at discretion of commissioners, appointed to examine
the matter.

In pursuance of this sentence, the long Finne was
brought fettered from Delaware, and put prisoner in
the state-house at York, the 20th December, and there
continued a year, when a warrant was signed, and he,
in pursuance of it, transported for sale to Barbadoes.

At this council also came under consideration, the
case of an Indian, who had committed a rape on a
christian woman; the council ordered that he should be
put to death if he could be found, and that application
be made to the Sachems of his tribe, to deliver him
up, that justice might be executed upon him. He had
been once taken and condemned to death by the com-
missioners at Delaware, but broke gaol.

An Indian
rape.

One

One Douglass at the Hoarkill, after this, gave the new settlers a considerable disturbance by seditious practices, but he was taken, sent to gaol, and afterwards from thence to York, where he had his trial, and was sent to the eastward, with a caution not to return into the government any more.

A. D.
1669.

In the month call February 1669, Francis Lovelace, being then governor, a commission and letters of instruction were sent to the Hoarkill, authorizing Hermanns Fredericksen, to be schout, Slander Matson, Otto Walgast, and William Cleason to be commissaries, who were to keep good orders there, and to try all matters of difference under 10 l. amongst themselves; this seems to be intended to save them the trouble of going to New-Castle upon every trifling occasion; but for all matters above 10 l. they were to apply themselves to New York, and so for all criminals.

Governor
Lovelace.

Governor Lovelace gave also an order to captain Martin Priege, to receive the customs for all European goods imported at the Hoarkill, and on the furs and peltry exported from thence,—viz. 10 l. per cent.

‘Whereas I am given to understand, that all European goods imported at the Hoarkill in Delaware bay, did heretofore pay custom at the rate of 10 l. per cent. and all furs and peltry exported from thence at the same rate, which turned to some advantage towards the support of the government, upon mature advice and consideration had thereof, I have thought fit to renew the former custom, and do therefore hereby order and appoint captain Martin Priege, who is a person well versed in the trade of those parts, and very well known there both to the christians and Indians, to be receiver and collector of the customs at the Hoarkill

Customs
at the
Hoarkills.

m. He succeeded Nicolls in the government of New York, in May 1667, and continued governor till the colony was given up to the Dutch in the summer, 1673. Nicolls had remained governor since the Dutch surrender till then, about two years and a half.

A. D.
1664.

‘Hoarkill, where by himself or his deputy he is to receive 10 per cent. of all European goods imported there, whether coming from this place, New-Castle in Delaware, or any other part; and ten per cent. also for all furs or peltry exported from thence, according to former custom and usage on that behalf; and all persons whatsoever trading thither, or from thence to any other place, are to take notice thereof, and to obey this my commission, under the penalty of confiscation of their goods if they shall presume to do otherwise, the said capt. Prieger standing obliged to be answerable here, for all such customs as shall be received by himself or deputy there, of which he is to render unto me a due and exact account.’

Remarks.

It was very early to impose such an extraordinary clog upon trade as 10 per cent. and no doubt hard upon the young settlers to pay it, and the reason given for doing it (namely that it had been done before) seems not so well calculated to render the payment easy as might have been contrived; probably the chief cause was that hinted at in the governor's letter to Carre, ‘to keep them under by taxes, that they might not have liberty to entertain any other thoughts but how to discharge them.’ The daily exigencies of the government in those precarious times afforded a better present plea, tho' of no force for continuing it afterwards; but after all, the government then more military than civil, probably but little thought of a necessity to bestow colouring upon their proceedings, however extraordinary, to a people whom they could at any time compel to their measures; hard where that is the case *of necessity*, but more hard and arbitrary when continued without *that necessity*. These precedents introduced a similarity of taxation, which in time proved intolerable grievances. But be their reasons to themselves.—As the Hoarkills to the Swedes appeared a place of rather more consequence than it's thought since, their account may be worth observation.

‘Two

‘Two leagues (says the manuscript in the British museum,) from cape Cornelius on the west side of the river near its mouth, there is a certain creek called the Hoern Kill, which may well pass for a middling or small river, for it is navigable a great way upward, and its road is a fine road for ships of all burthens, there being none like it for safety and convenience in all the bay, the right channel for sailing up the bay passing near it.

A. D.
1669.
Swedes
description
of the
Hoer kill.

‘A certain person who for several years together had been a soldier in the fort, informed us about the month of June, 1662, being then but lately come from thence, concerning the Hoern kill or Harlot’s creek; that along the sea shore it was not above two leagues from the cape, and that near the fort which is at the mouth of it, it is about 200 paces broad and navigable and very deep to about half a league upwards, the pilots say generally about six feet of water in going in, but the canoes can go about two leagues higher: There are two small islands in it, the first very small the last about half a league in circumference, both overgrown with fine grass, especially the latter, and are at about half a league distance asunder, and the latter about a league from the channel’s mouth: The two islands are surrounded with a muddy ground, in which there grows the best sort of oysters, which said ground begins near the first island, for the mouth of the channel has a sandy bottom, being also very deep, and therefore there are no oysters there: Near the smaller island and higher up it is as broad again as at the mouth, near the said fort the channel for a good way runs at an equal distance from the sea, having the breadth of about two hundred paces of high downy land lying between them, near the fort there is a glorious spring of fresh water, a small rill rising in the south east part of the country, and falling from a rising hill, runs through this downy land into the mouth of the Hoern kill, or Harlot’s creek,

A. D. 1669. 'creek, is for its goodness and fertility famed for
'the very best of New-Netherland.ⁿ

'The name of Hoernkill or Harlot's creek, had
'as we are informed, its rise from the liberality of the
'Indians, for lavishly prostituting, especially at that
'place, their maidens and daughters to our Nether-
'landers: Otherwise it is by David Pietersz de Uries,
'who about the year 1630 first endeavoured to settle
'there, called Swanendal.'

The above description however, in the general true
at the time it was wrote, leaves room for a doubt,
at least as to the origin of the name.ⁿ The probability
lies that it arose from the creeks winding much in the
shape of a horn; whence the Dutch (and not the
Swedes) first took occasion to call it the Hoernkill; this
is the tradition of the inhabitants there. Soon after
English possession, it got the name of Lewis-Town,
by which it is mostly called: It is situate at the mouth
of Delaware bay,^p and is the general resort for pilots,
waiting to convoy vessels up the river: Where the
creek is described deep and sandy, is now a mowing
marsh: The channel also by the Hoarkill, then used
for vessels to pass, is diminished to about a hundred
yards breadth at the mouth: The two islands, one very
small, and the other but half a league in circumference,
are

Alteration
in a creek
and chan-
nel.

ⁿ. The whole country from New-York to Pennsylvania, being
then so called; 'tis observable, that this author through the whole,
gives the South river greatly the preference.

^o. C. Colden in his history of the five nations pa. 11. relates a
custom of the same kind among them, but there does not appear
sufficient foundation to suppose these Indians originally justly charge-
able with such a practice, at least of the tribes generally; and the
relaton of the Swedes is not in every instance to be depended on;
bad as the Indians now appear, and have many of them prov'd, they
were formerly better; in a case doubtful 'tis perhaps best to err on the
charitable side.

^p. The Delaware probably got it's name from 'the lord Delaware,
'who sailed in a ship of 250 tons, in April 1618, with 200 people
'for Virginia, but died at sea. *Prince's N. E. Collection*, p. 54.

are now the first supposed to be ten, and the last thirty times as large as there described; and this alteration in about a hundred years.

A. D.
1669.

CHAP. IV.

King Charles the second, and duke of York's grants, whence lord Berkely and sir George Carteret, became seized of New-Jersey: The first constitution of government under them: The settlement of Bergen, Middletown, Shrewsbury, and Elizabeth-Town. Philip Carteret appointed governor of Jersey: The Indian purchase of Elizabeth-Town, by the settlers: and the first general Indian purchase by the proprietor, &c.

THE right of the crown of England to these provinces indisputably founded, as before deduced, King Charles the second, did by letters patent, bearing date *the twentieth day of March*, 1664, for the consideration therein mentioned, grant unto James, duke of York, his heirs and assigns, 'all that part of the main land of New-England, 'beginning at a certain place, called or known by the 'name of St. Croix, near adjoining to New-Scotland, 'in America; and from thence extending along the 'sea coast, unto a certain place called Pemaquie or 'Pemaquid, and so up the river thereof, to the furthest 'head of the same, as it tendeth northward; and extending from thence to the river of Kimbequin, and 'so upwards by the shortest course, to the river Canada 'northwards; and also all that island or islands, commonly called by the several name or names of Matowacks or Long-Island, situate and being towards 'the west of Cape-Cod, and the narrow Higansetts, a 'butting upon the land between the two rivers, there 'called or known by the several names of Connecticut 'and Hudson's river; together also with the said river
K. Charles ii. first grant.

A. D.
1669.

Duke of
York's
lease and
release.

'called Hudson's river; and all the land from the west
'side of Connecticut river, to the east side of Delaware
'bay; and also several other islands and lands in the
'said letters patent mentioned; together with the
'rivers, harbours, mines, minerals, quarries, woods,
'marshes, waters, lakes, fishings, hawking, hunting
'and fowling, and all other royalties, profits, commodi-
'ties and hereditaments to the said several islands,
'lands and premises, belonging or appertaining.'

The duke of York being thus seized, did by his
deeds of lease and release, bearing date *the 23d, and*
24th days of June, 1664, in consideration of a 'com-
'petent sum of money,' grant and convey unto John
lord Berkely, baron of Stratton, one of the kings
privy council; and sir George Carteret, of Saltrum,
in the county of Devon, knight, and one of the privy
council, *q* and their heirs and assigns forever; all that
'tract of land adjacent to New-England, and lying
'and being to the westward of Long-Island and
'Manhattas island; and bounded on the east part by
'the main sea, and part by Hudson's river; and bath
'upon the west, Delaware bay or river; and extendeth
'southward to the main ocean as far as Cape-May,
'at the mouth of Delaware bay; and to the north-
'ward as far as the northernmost branch of the said bay
'or river of Delaware; which is in 41 degrees and
'40 minutes of latitude, and crosseth over thence in a
'straight line to Hudson's river, in 41 degrees of
'latitude; which said tract of land is hereafter to be called
'Nova-Cesaria or New-Jersey; and also all rivers,
'mines, minerals, woods, fishings, hawkings, huntings,
'and fowlings, and all other royalties, profits, com-
'modities, and hereditaments whatsoever to the said
'lands

q. Sir George Carteret was governor of Jersey, and held it for
K. Charles ii in the troubles of 1649,—expelled the house of com-
mons, in 1669 for confused accounts, as chamberlain. *Smollet*.

Treasurer of the navy, and vice chamberlain of the king's house-
hold. *Clarendon*.

'lands and premises, belonging or in any wise appearing, with their and every of their appurtenances in as full and ample manner as the same is granted unto the said duke of York, by the before recited letters patents.

A. D.
1669.

The Lord Berkeley, and sir George Carteret, in consequence of this conveyance, now sole proprietors of New-Jersey, for the better settlement thereof, agreed upon certain constitutions of government; which were so well relished, that the eastern parts of the province were soon considerably peopled.^c

Berkley and Carteret's first constitutions.

This was the first constitution of New-Jersey, and it continued entire, till the province became divided in 1676. Sir George Carteret, then the only proprietor of the eastern division, confirm'd and explain'd the concessions, with a few additions. The county of Bergen was the first settled place, a great many dutch being already there, when the province was surrendered, remained under the English government. A few Daacs were probably concerned in the original settlement of this county, whence came Bergen, after the capital of Norway. The manner of originally settling is singular, but small lots where their dwelling houses are, and these contiguous in the town of Bergen: Their plantations which they occupy for a livelihood, are at some distance; the reason of fixing thus, is said to be through fear of the numerous Indians in the early times of their settlement, about forty or fifty years before the surrender.^s

It

r. Vide. Appendix, numb. i.

s. The date of the Dutch settlement, will be nearly ascertained by the following extract.—As some unknown country further southward, about Hudson's river was in their view (meaning the Plymouth colony) when they engaged in this adventurous voyage, Mr. Morton who published his memorial in 1620 tells us, he had then lately sure intelligence that the Dutch intending to settle a colony there of their own, privately hired the master of the ship to contrive delays in England, then to steer them to these northern
coasts

A. D.
1669.

Indian
purchase
of Eliza-
beth Town

and
Nicol's
patent.

Freehold.

Elizabeth,
Newark,
Middle-
town and
Shrews-
bury.

It was in 1664, that John Bailey, Daniel Denton, and Luke Watson, of Jamaica, on Long-Island, purchased of certain Indian chiefs, inhabitants of Staten-Island; a tract or tracts of land, on part of which the Town of Elizabeth now stands; and for which (on their petition) governor Richard Nicolls granted a deed or patent to John Baker of New-York, John Ogden, of Northampton, John Bailey, and Luke Watson, and their associates; dated at fort James, in New-York, the second of December.^t This was before lord Berkely's and sir George Carteret's title was known; and by this means, this part of the province had some few very early settlements, whether Middletown and Shrewsbury had not Dutch and English inhabitants before, we are not authorized to say: About this time however, was a great resort of industrious reputable farmers; the English inhabitants from the west end of Long-Island, almost generally removed to settle hither; and most of them fixed about Middletown, from whence by degrees, they extended their settlements to Freehold and thereabouts. To Shrewsbury there came many families from New-England: There were very soon four towns in the province, viz. Elizabeth, Newark, Middletown, and Shrewsbury; and these with the country round, were in a few years plentifully inhabited, by the accession of the Scotch, of whom there came a great many, such settlers as came from England, those of the Dutch that remained, and those from the neighbouring colonies.

Lord

^tcoasts, and there under plots of shoals and winter to discourage them from venturing further. — Agreeable to this while the English 'Loydners' i. e. the said Plymouth company, were preparing for their voyage, as capt. Dornier returned from Virginia to New-England, he met certain Hollanders, sailing for Hudson's river, 'wast' they had had a trade for several years. *Primer's N. E. Chronol.* p. 83, 84.

^t This is what is commonly called the Elizabeth-Town grant.

Lord Berkely and sir George Carteret having agreed upon their concessions, appointed Philip Carteret governor of New-Jersey, and gave him power with the advice of the major part of the council, to grant lands to all such as by the concessions were entitled thereto, and tho' there is no provision in the concessions for bargaining with the Indians,^u. Governor Carteret on his arrival thought it prudent to purchase their rights: This was to be done for sums inconsiderable, in comparison with the damage a neglect might have occasioned.^x. For though the Indians about the English settlements, were not at this time considerable as to numbers, they were strong in their alliances, and besides of themselves could easily annoy the out plantations; and there having been before several considerable

A. D.
1669.
P. Carteret governor.

Purchases
of the In-
dians.

^u. This in 1672 was supplied by particular instructions directing that the governor and council should purchase ad lands from the Indians and be reimbursed by the settlers, as they made their purchases.

^x. Richard Hartshorne, a considerable setler at Middletown, who came over in this year had like to have experienced some disadvantage from this neglect in the patentees of that town; 'The Indians says he 'came to my house, and laid their hands on the post and frame of 'the house and said that house was theirs, they never had any thing 'for it, and told me if I would not buy the land, I must be gone. 'But I minded it not, thinking it was Davis's land, and they 'wanted to get something of me; they at last told me they would kill 'my cattle and burn my hay, if I would not buy the land nor be gone; 'then I went to the Patentees, which were James Grover, Richard 'Stout, John Bound, and Richard Gibbons; they told me it was 'never bought, nor had the Indians any thing for it. Nicolls desired 'of them and the Indians also, only to have leave to set a trading 'house, and at that time they did not intend any one should have the 'land, but keep it for the use of the country, always giving leave 'for any man to trade with goods and not otherwise; but I told them 'I would not live on those terms, and not only so, but it was dan- 'gerous, for the Indians threatned to kill my cattle; they told me no 'man had power to buy, but the patentees, and they would buy it; 'thus it continued some months. I considered the thing as well as 'I then was capable, and went to Gravesend and bought William 'Goulder out, and when I came back the Indians were at me and I 'did. James Grover, Richard Stout, Samuel Spicer were at Wake- 'cake, when I bought Wake-cake and paid for it, I being then a 'Patentee as well as the rest.'

A. D.
1669.

considerable skirmishes between the Dutch and them, in which some blood had been spilt, their friendship on this consideration it was thought stood but ticklish: Upon the whole, the governor so ordered it, that the comers were either to purchase of the Indians themselves, or if the lands were before purchased, they were to pay their proportions: The event answered his expectation, for as the Indians parted with the lands to their own satisfaction, they became of a jealous, shy people, serviceable good neighbours, and though frequent reports of their coming to kill the white people, sometimes disturbed their repose, no instance occurs of their hurting them,^y in those early settlements.

1669.

Tradition
of the
Dutch at-
tacking
the Indi-
ans.

In the Dutch skirmishes with the Indians, it is said the English from Long-Island, together with such as were settled among the Dutch, used to join the latter in frequent excursions up the rivers to annoy or figure among the Indians: There is a tradition, that in one of those expeditions up a Jersey river, one of the company of more curiosity or boldness than the rest, went at some distance in the country to discover an Indian town, which at last he did, by coming upon it before he was well aware of his situation; there were many seated quietly together; at the instant he saw them, they saw him, he was surprized, but quickly recollecting himself, took a paper out of his pocket, and with that boldly went up, telling them it was proposals from the government at York, and read at random such things as came into his head; by this stratagem he got off unmolested, and discovering at York what he had seen, told the government, if they would send a party against them he would be their pilot: A party was accordingly sent, coming upon the Indians in the night, some of them found means to get in to windward of their little town,

^y. That is the English here spoken of.

A. D.
1666.

town and setting fire to it, burnt the whole down; their wigwams were built close together, and made of flags, bushes, and other light combustible matter, covered with the bark of trees, so that the fire burnt with violence; the Indians notwithstanding their surprise, took to their bows and arrows, and used them with dexterity and courage, till being overpowered, several of them were destroyed.

That we may place traditional intelligence of this sort together, we will here venture at one more little occurrence of that kind; but with this remark, that we pretend to no greater certainty in either, than what arises from the probability of facts supported by established credit of persons relating them, and the known hostilities at times subsisting between the Dutch and Indians in their early settlement.

While New-York was in possession of the Dutch, about the time of the Indian war in New-England, a Dutch ship coming from Amsterdam, was stranded on Sandy Hook,^z but the passengers got on shore; among them was a young Dutchman who had been sick most of the voyage; he was taken so bad after landing, that he could not travel; and the other passengers being afraid of the Indians, would not stay till he recovered, but made what haste they could to New-Amsterdam; his wife however would not leave him, the rest promised to send as soon as they arrived: They had not been long gone, before a company of Indians coming down to the water side, discovered them on the beach, and hastening to the spot, soon killed the man, and cut and mangled the woman in such a manner that they left her for dead. She had strength enough to crawl up to some old logs not far distant, and getting

Case of a
stranger,
remarka-
bly saved
among the
Indians.

^z. Other accounts say in Delaware, nigh Christeen, but this is most likely to be true.

A. D.
1669.

into a hollow one, lived mostly in it for several days, subsisting in part by eating the excrescences that grew from it; the Indians had left some fire on the shore, which she kept together for warmth: having remained in this manner for some time, an old Indian and a young one coming down to the beach found her: they were soon in high words, which she afterwards understood was a dispute; the former being for keeping her alive, the other for dispatching: After they had debated the point a while, the first hastily took her up, and tossing her upon his shoulder, carried her to a place near where Middletown now stands, where he dressed her wounds and soon cured her: After some time the Dutch at New-Amsterdam hearing of a white woman among the Indians, concluded who it must be, and some of them came to her relief; the old man her preserver, gave her the choice either to go or stay; she chose the first: A while after marrying to one Stout, they lived together at Middletown among other Dutch inhabitants; the old Indian who saved her life, used frequently to visit her; at one of his visits she observed him to be more pensive than common, and setting down he gave three heavy sighs; after the last she thought herself at liberty to ask him what was the matter? He told her he had something to tell her in friendship, tho' at the risk of his own life, which was, that the Indians were that night to kill all the whites, and advised her to go off for New-Amsterdam; she asked him how she could get off? he told her he had provided a canoe at a place which he named: Being gone from her, she sent for her husband out of the field, and discovered the matter to him, who not believing it, she told him the old man *never deceived her*, and that she with her children would go; accordingly going to the place appointed, they found the canoe and paddled off: When they were gone, the husband began to consider the thing, and sending for

A. D.
1669.

five or six of his neighbours, they set upon their guard: About midnight they heard the dismal war-hoop; presently came up a company of Indians; they first expostulated, and then told them, if they persisted in their bloody design, they would sell their lives very dear: Their arguments prevailed, the Indians desisted, and entered into a league of peace, which was kept without violation: From this woman, thus remarkably saved, with her scars visible, through a long life, is descended a numerous posterity of the name of Stout, now inhabiting New-Jersey: At that time there were supposed to be about fifty families of white people, and five hundred Indians inhabiting those parts.

Governor Carteret did not arrive to his government of New-Jersey, till the latter end of the summer, 1665; till which time the province was under Nicolls's jurisdiction: On the arrival of the former, he summoned a council, granted lands, and administered the government on the plan of the general concessions, and took up his residence at Elizabeth-Town, to which it is said he gave the name, after Elizabeth, wife of sir George Carteret: With him came about thirty people; some of them servants: They brought goods proper for the planting a new country; and the governor soon afterwards sent persons into New-England, and other places, to publish the proprietors concessions, and to invite people to settle there; upon which many soon came from thence: some settled at Elizabeth-Town, others at Woodbridge, Piscattaway and Newark: The ship that brought the governor, having remained about six months, returned to England, and the year after made another voyage. Sundry other vessels were from time to time sent by the proprietors with people and goods, to encourage the planting and peopling their lands. Thus the province of East-New-Jersey increased in
settlement

A. D.
1669.

settlement, and continued to grow till the Dutch invasion in 1673, when they having got possession of the country, some stop was put to the English government; but the treaty afterwards between king Charles the second, and the States general at London 1673-4, put all general difficulties of that kind out of dispute; the sixth article whereof is in these words, 'That whatever
'country, island, town, haven, castle, or fortress, hath
'been, or shall be taken by either party from the other
'since the beginning of the late unhappy war, whether
'in Europe or elsewhere, and before the expiration of
'the times above limited for hostility, shall be restored
'to the former owner in the same condition it shall be
'in at the time of publishing this peace.'

Tho' the inhabitants were at variance among themselves, there was also pretty constantly a resort of settlers between the years 1665 and 1673, and they increased fast afterwards. But the Elizabeth-Town purchasers and others, setting up a right, differing in some respects from that of the proprietors, and other incidents falling out, which, though some of them inconsiderable, and others one would think might then easily have been settled, yet nourished by a more vindictive spirit on all sides than was immediately necessary, they occasioned much disturbance.^a Carteret going for England in the summer, 1672, left capt. John Berry his deputy. He returned in 1674, and found the inhabitants more disposed to union among themselves, and bringing with him the king's proclamation, and a fresh commission and instructions from sir George Carteret, he summoned the people, and had them all published; which for a while had a good effect towards restoring proprietary
authority

Berry.

^a. It is not our business to enter particularly into these disturbances they went in several instances to di-reputable lengths. — Governor Andros of York, in 1680, undertook to dispute governor Carteret of Jersey's commission, and sending to Elizabeth-Town an armed force, seized and carried him prisoner to New-York.

authority, and the publick peace: He remained governor till his death in 1682. In his time the general assemblies and supreme courts sat at Elizabeth-Town, and the councils generally: Here the secretary's office, and most other publick offices were held; here also most of the officers of the government then resided.

A. D.
1669.

In September 1671, an extraordinary council was held at New-York; present, Governor Lovelace, the mayor and secretary of New-York, major Steenwick, governor Philip Carteret, and captain James Carteret of New-Jersey: The occasion was this, William Tomm and Peter Alricks, had just arrived from Delaware, with the particulars of the Indian murders mentioned before, that two christians (Dutch men) had, as there related, been murdered by some Indians at the island Matinicunk,^b on Delaware: Alricks being present at the council, informed them, the nation of whom these murderers were, consisted of about fifty or sixty persons, and that the mischiefs committed on Delaware this seven years, were said to be done by them: That the Indians their confederates (as it was supposed they would be if a war should follow) were about a thousand persons, besides women and children: That two of the saggamores of the nation of the murderers, promised their best assistance, to bring them in, or procure them to be knocked in the head, if countenanced

1671.

Particulars of two murders by the Indians.

^b The upper island situate partly between Burlington and Bristol, afterwards taken up by a proprietary right, by Robert Stacy, and by him given to Burlington; and in 1682, confirm'd by a proprietary law, for the use of a free school forever. It is detach'd from the main by a little channel occasion'd by the waters of Essisenuk creek. When Gookin, a former governor of Pennsylvania, was about obtaining a grant of the islands in Delaware, it is said the lords of trade excepted this in their report to the king and council, as having been already occupied; and not on a footing with the other islands; it is inconsiderable as to value compared with many of the others, yet long possession and some improvements, have rendered it useful to Burlington.

A. D.
1671.

nanced by the government; and that many other Indians he met upon the road, much disallow'd of the murder, and were very sorry for it, and offered their assistance against them. Alricks further related, that it was proposed by the sachems, as the best scheme to set upon this nation, to cause a kintecoy to be held; and that in the midst of their mirth, one should be hired to knock them in the head; adding, as his own opinion, that the best time to fall upon them was about the 25th October; because after that their usual manner was to go a hunting, and then they could not be easily found: But now the immediate danger was of their destroying the corn and cattle of the christians, and that the murders were owing to *Tushionycan*, who having a sister dying, expressed great grief for it, and said *the Mannetta hath killed my sister, and I will go kill the christians*; and taking another with him, they together executed the barbarous facts.

This information considered, the council concluded, that Thomas Lewis, then bound with his sloop for New-Castle, should be stayed from his voyage, for three or four days when Alricks and Henry Courturier, would be ready to go with him; that in the mean time, general instructions should be drawn to take along with them: That the Governor of New-Jersey, and capt. James Carteret, (then present) should expeditiously order a general assembly to be called in that government, (according to their custom upon all emergent occasions) to know the people's strength and readiness; and how far they were willing to contribute towards the prosecution of a war against the Indians. That a frequent correspondence be kept between the two governments, and that nothing be done in this Indian War, without mutual advice and consent of both the governors; unless upon extraordinary opportunity, where advantage against the enemy might suddenly be taken, before notice could be given.

These

A. D.
1671.

These resolutions taken, the next step was to transmit instructions to William Tomm, (he was either one of the commissaries appointed by Carre, and the authority at New-Castle, or a kind of deputy under them, up Delaware) that he might forecast how a war might be prosecuted to the best advantage; and it requiring time to get things in order, all the frontier scattering plantations, were immediately to thresh out or remove their corn, and dispose their cattle, so as to receive the less damage by the effects of the war: Next he was to order, that none on pain of death, should presume to sell any powder, shot, or *strong waters* to the Indians; and that in the mean time, the inhabitants were to carry (if such a thing was practicable) a seeming complacency with the nation of whom were the murderers, either by treaty or traffick, to prevent suspicion of the designs on foot; but withall it was directed, that if they would either deliver up the murderers, or their heads; the English were at liberty to assure them of no disturbance. Lovelace also wrote to Carre upon this occasion, to be vigilant in making preparations for the war; and as directions could not be punctual, the whole was left to his prudent management, with advice of his commissaries. The next council held upon this occasion, was in November, at Elizabeth-Town; present, the governors Lovelace and Carteret, and divers others. Here the season was thought too far advanced, to begin the war; but the magistrates were authorized to treat with the neighbouring Sasquehanna Indians, or others, to join together against the murderers, and such as harboured them; and to promise a reward as they should think fit; provided caution was used so as to create no sudden jealousy; But this proved unnecessary; the Indians uneasy about the murder, were not averse to a full revenge, as the event proved. In December, a parcel of them meeting at Rambo's,

sent

A. D.
1672.

An Indian
shot.

sent for Tomm and others, and promised within six days to bring in the murderers, dead or alive: Accordingly two Indians sent by the sachems, to take them, coming to Tashowyean's wig-wam in the night; one of them his particular friend; him he asked if he intended to kill him; he answered *no, but the sachems have ordered you to die*: He demanded what his brothers said; being told they also said he must die, he then holding his hands before his eyes, said *kill me*: Upon this the other Indian, not his intimate, shot him in the breast: They took his body to Wickaco, and afterwards hung it in chains at New-Castle: The English gave the sachems for this, five matchcoats. The other murderer hearing the shot, ran naked into the woods, and what came of him after, appears not. The Indians upon this death, summoned many of their young men, and before the English, told them, that now they saw a beginning of punishment, and all that did the like should be so served. Thus ended an affair, which while these Indians were a formidable body, looked discouraging.

New-
Amstell
incorporated.

The town of New-Castle, in the spring, 1672, was by the government at York, made a corporation, to be governed by a bailiff and six assistants; after the first year the four old to go out, and four others to be chosen: The bailiff was president, with a double vote; the constable chosen by the bench; they had power to try causes as far as ten pounds, without appeal: The English laws were established in the town, and among the inhabitants on both sides Delaware: The office of Schout was converted into a sheriff for the corporation and river, annually chosen; and they were to have free trade without being obliged to make entry at New-York, as heretofore had been the practice.

Distur-
bance at
the Hoar-
kill.

About this time happened a considerable disturbance at the Hoarkills: A party from Maryland, headed by

one

one Jones, made an incursion, and binding the magistrates, and other inhabitants, carried off what plunder they could; being joined by Daniel Brown, a planter at the Hoarkills; he was sent to New-York, took his tryal and was convicted; but on promises of amendment, and a small security for future good behaviour dismissed. With respect to the Marylanders, Lovelace's letter to that governor, shows him to have had some spirit, tho' his character in general was rather that of an upright, but timid governor and good natured man: It is dated *the 12th of August, 1672.*

A. D.
1672.

To Philip Calvert, Esq; governor of Maryland.

SIR,

' I thought it had been impossible now in these por-
' tending boisterous times, wherein all true hearted
' Englishmen, are buckling on their armour to vindicate their honours, and to assert the imperial interest
' of his sacred majesty's rights and dominions; that
' now without any just grounds, either given or pre-
' tended, such horrid outrages should be committed
' on his majesty's liege subjects, under the protection
' of his royal highness's authority, as was exercised
' by one Jones, who with a party as dissolute as himself,
' took the pains to ride to the Hoarkills, where
' in derision and contempt of the duke's authority,
' bound the magistrates and inhabitants, spitefully
' treated them, rifled and plundered them of their
' goods; and when it was demanded by what authority
' he acted, answered in no other language but a cock'd
' pistol to his breast; which if it had spoke had for-
' ever silenced him. I do not remember I have heard
' of a greater outrage and riot committed on his
' majesty's subjects in America, but once before in
' Maryland: You cannot but imagine his royal high-
' ness will not be satisfied with these violent proceed-
' ings, in which the indignity rebounds on him:
' neither can you but believe it is as easy an under-
' taking, for me to retaliate the same affront on Jones's
head,

Governor
Lovelace's
letter
to the
governor
of Mary-
land.

A. D.
1672.

‘head, and accomplices, as he did on those indefen-
‘cible inhabitants: But I rather chuse to have first a
‘more calm redress from you; to whom I now appeal,
‘and from whom may in justice expect that right in
‘the castigation of Jones cum socies, that your
‘nature and the law has provided for; otherwise I
‘must apply myself to such other remedies as the
‘exigence of this indignity shall persuade me to:
‘Thus leaving it to your consideration, I shall remain
‘your very humble servant,

FR. LOVELACE.’

Governor Lovelace also wrote to capt. Carre upon
this occasion.

SIR,

Governor
Lovelace
to Carre.

‘The letters you sent by the express over land came
‘safe to my hands, with the inclosed relation and
‘papers concerning the Hoarkill, and the Marylanders
‘forcibly possessing themselves of the place, as also
‘of the goods and estates of some of the inhabi-
‘tants, of which we had some rumours before, but
‘did not give much credit to it; supposing what
‘was done before, to be the rash action of some private
‘person; not thinking the authority of Maryland
‘would invade his royal highness’s territories, which he
‘hath been possess’d of for near eight years, without
‘giving the least overture of it to me, who am his
‘royal highness’s deputy: Their former violent action
‘and force, upon those poor unarm’d people, together
‘with the particulars of their plunders, I had immediate
‘opportunity of transmitting to his royal highness by a
‘ship then bound away for London, the which I made
‘use of, and recommended their case; and I hope it
‘hath long e’er this arrived to his hands; so that some
‘directions about it may be expected in a short time;
‘till when I think it best for the present to leave matters
‘there as they are; but as to the cloud which likewise
‘hangs over your heads at Delaware, which it is said
‘they are making preparations to invade; my instruc-
‘tions and orders to you, and the officers in general,
‘are, that you put yourselves in the best posture of
defence

A. D.
1672.

‘defence possibly you can, by fitting up the fort in the
 ‘town, keeping your companies in arms, both there
 ‘and up the river; who are to provide themselves with
 ‘fitting ammunition; and that all soldiers be at an hour’s
 ‘warning upon any alarm or order given; and that at
 ‘the town especially, you make your guards as strong
 ‘as you can, and keep a strict watch; and if any enemy
 ‘comes to demand the place, that you first desire to
 ‘know their authority and commission, and how it
 ‘comes to pass those of Maryland should now make
 ‘such an invasion, after so long quiet possession of those
 ‘parts by his royal highness’s deputies, under his majesty’s
 ‘obedience, and by other nations before that,
 ‘several years before the date of the lord Baltimore’s
 ‘patent, whom they never disturbed by arms, and
 ‘whose right is now devolved upon the duke. Stand
 ‘well upon your guard, and do not begin with them,
 ‘but if they first break the peace by firing upon your
 ‘guards, or any such hostile action, then use all possible
 ‘means to defend yourselves and the place, and
 ‘command all his majesty’s good subjects to be aiding
 ‘and assisting to you; who I hope will not be wanting
 ‘to their abilities: In all matters of concern, you
 ‘are to take advice of the chief officers there.

‘This will come to you by your bailiff, Mr. Peter
 ‘Alricks, who is hastening over land, to secure his
 ‘affairs there, in this portending invasion, and to give
 ‘his best help for the safeguard of the place, and his
 ‘royal highness’s interest upon all occasions: Fail not
 ‘to send an express to me, by whom I shall give you such
 ‘further directions and assistance as will be requisite;
 ‘and if occasion should be, will come over myself in
 ‘person; though the spring would be more suitable for
 ‘me than a winter voyage: so recommending all things
 ‘to your care and vigilance, of which I expect a good
 ‘account: I conclude, being your very loving friend,

‘Fort James, in New-York, } Francis Lovelace.’
 ‘this 7th October, 1672. }

The

A. D.
1672.

New-
Castle, &c.
plundered
by priva-
teers.

The inhabitants at New-Castle and the Hoarkills, also suffered considerable losses, by Dutch privateers plundering their effects. For reparation, they were permitted by the government to lay an imposition, and power given to the magistrates, to levy and receive upon each anchor of strong liquors spent or disposed of among them, the value of four guilders in wampum, &c. but this to continue for one year only, as a tryal of its utility.

Wampum.

1673.

Wampum was the chief currency of the country; Great quantities had been formerly brought in, but the Indians had carried so much away, it was now grown scarce; and this was thought to be owing to its low value. To increase it, the governor and council at York issued a proclamation in 1673, that instead of eight white and four black, six white and three black wampums should pass in equal value as a stiver or penny; and three times so much the value in silver. This proclamation was published at Albany, Eusopus, Delaware, Long-Island, and parts adjacent.

1674.

Sir George
Carteret's
instructi-
ons.

Mention was made that sir George Carteret by his instructions to governor Carteret, confirmed the original concessions with additions and explanations: These bore date *the 13th of July 1674*: Among other things they direct, that the governor and council should allow eighty acres per head, to settlers above ten miles from the sea, the Delaware, or other river, navigable with boats; and

c. Eight white wampum or four black, passed at this time as a stiver, twenty stivers made what they called a guilder, which was about six pence present currency. The white wampum was worked out of the inside of the great conques into the form of a bead, and perforated to string on leather. The black or purple was worked out of the inside of the mussell or clam-shell, they were sometimes wove as broad as ones hand, and about two feet long; these the Indians call belts, and commonly give and receive at treaties, as seals of their friendship: For lesser matters a single string is given. Every bead is of a known value, and a belt of a less number is made to equal one of a greater, by so many as is wanting fastened to the belt by a string.

and to those that settled nearer, sixty acres: That the land should be purchased from the Indians, as occasion required, by the governor and council, in the name of the proprietors, who were to be repaid by the settlers with charges;^d. That all strays of beasts at land, and wrecks at sea, should belong to the proprietor; and that all persons discovering any such thing, should have satisfaction for their pains and care, as the governor and council might think fit.

A. D.
1674.

CHAP. V.

Major Andros appointed governor at New-York: Takes possession at Delaware: Arrival of the first English settlers to West-Jersey, under the duke of York's title: Lord Berkely assigns his moiety of New-Jersey to Bylinge, and he in trust to others: Their letter and first commission: New-Jersey divided into the provinces, East and West-Jersey; and the declaration of the West-Jersey proprietors.

ABOUT the month of October 1674, major Edmund Andros^e arrived governor, under the duke of York; he soon after authorized captain Cantwell and William Tomm, to take possession of the fort and stores at New-Castle, for the king's use, pursuant to the late treaty of peace, and to take such other measures for their settlement and repose at New-Castle, the Hoar-kills, and other parts of Delaware, as they thought best; requiring them to comport themselves towards
the

1674.

Major
Andros.

^d. A paragraph of this fort, is also inserted in one of the letters of instruction from lord Berkely and sir George Carteret, in conjunction, in 1672.

^e. He was afterwards knighted: he bore the unfavourable character of an arbitrary governor, who made the will of his despotic master (James ii.) and not the law, the chief rule of his conduct.

A. D.
1674.
Proclama-
tion.

the neighbouring colonies in an amicable manner. This done, he published a proclamation in the words following :

‘Whereas it hath pleased his majesty and his royal highness, to send me with authority, to receive this place and government from the Dutch, and to continue in the command thereof under his royal highness, who hath not only taken care for our future safety and defence, but also given me his commands for securing the rights and properties of the inhabitants, and that I should endeavour by all fitting means, the good and welfare of this province, and dependencies under his government; that I may not be wanting in any thing that may conduce therunto, and for the saving of the trouble and charge hither, for the satisfying themselves in such doubts as might arise concerning their rights and properties upon the change of government, and wholly to settle the minds of all in general, I have thought fit to publish and declare, that all former grants, privileges or concessions heretofore granted, and all estates legally possessed by any under his royal highness, before the late Dutch government, (as also all legal judicial proceedings during that government, to my arrival in these parts) are hereby confirm’d, and the possessor by virtue thereof, to remain in quiet possession of their rights: It is hereby further declared, that the known book of laws formerly established and in force under his royal highness’s government, is now again confirmed by his royal highness; the which are to be observed and practised, together with the manner and time of holding courts therein mentioned as heretofore; and all magistrates and civil officers belonging therunto, to be chosen and established accordingly. Given under my hand in New-York, this 9th day of November, in the twenty-sixth year of his majesty’s reign, annoque domini 1674.’

Andros being now seated in his government, we shall leave him, and take a view of other matters:

First

First respecting the arrival of a few passengers from England to West-Jersey: One moiety or half part of the province of New-Jersey, belonged to the lord Berkeley, and now about was sold to John Fenwick, in trust for Edward Byllinge and his assigns. Fenwick in 1675, set sail to visit the new purchase in a ship from London, called the Griffith; arriving after a good passage, he landed at a pleasant rich spot, situate near Delaware, by him called SALEM, probably from the peaceable aspect it then bore. He brought with him two daughters, and many servants, two of which, Samuel Hedge and John Adams, afterwards married his daughters; other passengers were, Edward Champness, Edward Wade, Samuel Wade, John Smith and wife, Samuel Nichols, Richard Guy, Richard Noble, Richard Hancock, John Pledger, Hipolite Lufever, and John Matlock; these, and others with them, were masters of families. This was the first English ship that came to West-Jersey, and none followed for near two years, owing probably to a difference between Fenwick and Byllinge.

A. D.
1675.

First arrival to West Jersey.

But this difference being settled to the satisfaction of both parties, by the good offices of William Penn, Byllinge agreed to present his interest in the province of New-Jersey, to his creditors, as all that he had left, towards their satisfaction, and desir'd Penn to join Gawen Lawrie and Nicholas Lucas (two of his creditors) and they together to be trustees: Penn at first unwilling, was by the importunity of some of the creditors, prevailed on; and with the others accepting the charge, they became trustees for one moiety or half part of the province; which tho' yet undivided, necessity pressing, they soon sold a considerable number of shares of their propriety to different purchasers, who thereupon became proprietors (according to their different shares) in common with them; and it being necessary that some
scheme

A. D.
1675.

Western
concessions.

scheme should be fallen upon, as well for the better distribution of rights to land, as to promote the settlement, and ascertain a form of government; concessions were drawn, mutually agreed on, and signed by some of the subscribers,^c (for they did not all sign at once.) It was next the business of the proprietors, who held immediately under lord Berkely, to procure a division of the province, which after some time was effected; and then as an expedient for the present well ordering matters, they wrote the following letter o

1676.

Richard Hartshorne.

London, 26th of
the 6th month, 1676.

‘ We have made use of thy name in a commission
‘ and instructions, which we have sent by James Wasse,
‘ who is gone in Samuel Groome’s ship for Maryland;
‘ a copy of which is here inclosed, and also a copy of a
‘ letter we have sent to John Fenwick, to be read to
‘ him in presence of as many of the people that went
‘ with him as may be; and because we both expect,
‘ and also entreat, and desire thy assistance in the same
‘ we will a little shew things to thee, that thou may
‘ inform not only thyself, but friends there; which in
‘ short is as follows.

‘ 1st. We have divided with George Carteret, and
‘ have sealed deeds of partition, each to the other; and
‘ we have all that side on Delaware river from one end
‘ to the other; the line of partition is from the east side
‘ of little Egg Harbour, straight North, through the
‘ country, to the utmost branch of Delaware river; with
‘ all powers, privileges, and immunities whatsoever:
‘ ours is called *New West-Jersey*, his is called *New*
‘ *East-Jersey*.

‘ 2d. We have made concessions by ourselves, being
‘ such as friends here and there (we question not) will
‘ approve of, having sent a copy of them by James
‘ Wasse; there we lay a foundation for after ages to
‘ understand their liberty as men and christians, that they
‘ may

c. Appendix numb. ii.

A. D.
1676.

‘may not be brought in bondage, but by their own
 ‘consent; for we put the power in the people, that
 ‘is to say, they to meet and choose one honest man
 ‘for each propriety, who hath subscribed to the concess-
 ‘sions; all these men to meet as an assembly there, to
 ‘make and repeal laws, to choose a governor, or a com-
 ‘missioner, and twelve assistants, to execute the laws
 ‘during their pleasure; so every man is capable to
 ‘choose or be chosen: No man to be arrested, con-
 ‘demned, imprisoned, or molested in his estate or
 ‘liberty, but by twelve men of the neighbourhood:
 ‘No man to lie in prison for debt, but that his estate
 ‘satisfy as far as it will go, and be set at liberty to
 ‘work: No person to be called in question or molested
 ‘for his conscience, or for worshipping according to
 ‘his conscience; with many more things mentioned
 ‘in the said concessions.

‘3. We have sent over by James Wasse, a com-
 ‘mission under our hands and seals, wherein we im-
 ‘power thyself, James Wasse and Richard Guy, or
 ‘any two of you, to act and do according to the in-
 ‘structions, of which here is a copy; having also sent
 ‘some goods, to buy and purchase some land of the
 ‘natives.

‘4. We intend in the spring to send over some more
 ‘commissioners, with the friends and people that
 ‘cometh there, because James Wasse is to return in
 ‘Samuel Groom’s ship for England: for Richard Guy,
 ‘we judge him to be an honest man, yet we are afraid
 ‘that John Fenwick will hurt him, and get him to
 ‘condescend to things that may not be for the good
 ‘of the whole; so we hope thou wilt ballance him to
 ‘what is just and fair; that John Fenwick betray him
 ‘not, that things may go on easy without hurt or jar;
 ‘which is the desire of all friends; and we hope West
 ‘Jersey will be soon planted; it being in the minds of
 ‘many friends to prepare for their going against the
 ‘spring.

F

5. Having

A. D.
1676.

‘ 5. Having thus far given thee a sketch of things,
‘ we come now to desire thy assistance, and the assistance
‘ of other friends in your parts; and we hope it will
‘ be at length an advantage to you there, both upon
‘ truth’s account, and other ways; and in regard many
‘ families more may come over in the spring to Delaware
‘ side, to settle and plant, and will be assigned by us to
‘ take possession of their particular lots; we do entreat
‘ and desire, that thou, knowing the country, and how
‘ to deal with the natives; we say, that thee, and some
‘ other friends, would go over to Delaware side, as soon
‘ as this comes to your hands, or as soon as you can
‘ conveniently; and James Wasse is to come to a place
‘ called New-Castle, on the other side of Delaware
‘ river, to stay for thee, and any that will go with
‘ him; and you all to advise together, and find out a
‘ fit place to take up for a town, and agree with the
‘ natives for a tract of land; and then let it be surveyed
‘ and divided in one hundred parts; for that is the
‘ method we have agreed to take, and we cannot alter
‘ it; and if you set men to work to clear some of the
‘ ground, we would be at the charges; and we do
‘ intend to satisfy thee for any charge thou art at, and
‘ for thy pains: This we would not have neglected; for
‘ we know, and you that are there know, that if the
‘ land be not taken up before the spring, that many
‘ people come over there, the natives will insist on high
‘ demands, and so we shall suffer by buying at dear
‘ rates, and our friends that cometh over, be at great
‘ trouble and charges until a place be bought and
‘ divided; for we do not like the tract of land John
‘ Fenwick hath bought, so as to make it our first settle-
‘ ment; but we would have thee and friends there, to
‘ provide and take up a place on some creek or river,
‘ that may lie nearer you, and such a place as you
‘ may like; for may be it may come in your minds to
‘ come over to our side, when you see the hand of the
‘ Lord with us; and so we can say no more, but leave
‘ the thing with you, believing that friends there will
‘ have a regard to friends settling, that it may be done
‘ in

‘in that way and method, that may be for the good of
 ‘the whole; rest thy friends,

A. D.
 1676.

GAWEN LAURIE,
 WILLIAM PENN,
 NICHOLAS LUCAS,
 E. BYLLINGE,
 JOHN EDRIDGE,
 EDMOND WARNER.

‘London, the 18th of 6th month called August, 1676.

‘We whose names are hereunder subscribed, do Proprie-
 ‘give full power, commission and authority, unto tors in-
 ‘James Wasse, Richard Hartshorne and Richard Guy, structions
 ‘or any two of them, to act and do for us according to James
 ‘to the following instructions; and we do engage to Wasse and
 ‘ratify and confirm whatsoever they shall do in prose- Richard
 ‘cution of the same. Harts-
horne, &c.

‘1. We desire you to get a meeting with John Fen-
 ‘wick, and the people that went with him, (but we
 ‘would not have you tell your business,) until you get
 ‘them together; then show and read the deed of parti-
 ‘tion with George Carteret; also the transactions be-
 ‘tween William Penn, Nicholas Lucas, Gawen Lawrie,
 ‘John Edridge and Edmond Warner, and then read
 ‘our letter to John Fenwick and the rest, and shew
 ‘John Fenwick he hath no power to sell any land there,
 ‘without the consent of John Edridge and Edmond
 ‘Warner.

‘2. Know of John Fenwick, if he will be willing
 ‘peaceably to let the land he hath taken up of the
 ‘natives be divided into one hundred parts, according
 ‘to our and his agreement in England, casting lots for
 ‘the same, we being willing that those who being
 ‘settled and have cultivated ground now with him, shall
 ‘enjoy the same, without being turned out, although
 ‘they fall into our lots: Always provided, that we be
 ‘reimbursed the like value and quantity in goodness out
 ‘of John Fenwick’s lots: And we are also content to
 ‘pay our ninetieth parts of what is paid to the natives
 ‘for the same, and for what James Wasse hath pur-
 ‘chased

A. D.
1676.

‘ chased of John Fenwick, and he setting out the same
‘ unto him, not being in a place to be allotted for a
‘ town upon a river, but at a distance, and the said
‘ John Fenwick allowing us the like value in goodness
‘ in some other of his lots; we are willing he shall
‘ possess the same from any claiming by or under us;
‘ and for the town lots we are willing he enjoy the same
‘ as freely as any purchaser buying of us.

‘ 3. Take informations from some that knows the
‘ soundings of the river and creeks, and that is ac-
‘ quainted in the country, and when James Wasse is in
‘ Maryland, he may enquire for one Augustin, who as
‘ we hear did found most part of Delaware river and
‘ the creeks: He is an able surveyor; see to agree with
‘ him to go with you up the river as far as over against
‘ New-Castle, or further if you can, so far as a vessel
‘ of a hundred tun can go; for we intend to have a way
‘ cut cross the country to Sandy-Hook; so the further
‘ up the way, the shorter: and there, upon some creek or
‘ bay, in some healthy ground, find out a place fit to
‘ make a settlement for a town; and then go to the In-
‘ dians, and agree with them for a tract of land about
‘ the said place, of twenty or thirty miles long, more or
‘ less, as you see meet, and as broad as you see meet.
‘ If it be to the middle, we care not; only enquire if
‘ George Carteret, have not purchased some there
‘ already, that so you may not buy it over again.

‘ 4. Then lay out four or five thousand acres for a
‘ town; and if Agustín will undertake to do it reason-
‘ ably, let him do it; for he is the fittest man; and if he
‘ think he cannot survey so much, being in the winter
‘ time, then let him lay out the less for a town at present,
‘ if it be but two thousand acres, and let him divide it in
‘ a hundred parts; and when it is done, let John Fen-
‘ wick, if he please, be there; however, let him have
‘ notice: But however, let some of you be there, to see
‘ the lots cast fairly by one person that is not concerned.
‘ The lots are from number one to a hundred, and put
‘ the same numbers of the lots on the partition trees for
‘ distinction.

‘ 5. If

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1676.

‘ 5. If John Fenwick, and those concerned with him,
 ‘ be willing to join with you in those things as above,
 ‘ which is just and fair, then he or any of them, may
 ‘ go along with you in your business; and let them pay
 ‘ their proportion of what is paid to the natives, with
 ‘ other charges: And so he and they may dispose of
 ‘ their lots with consent of John Edridge and Edmund
 ‘ Warner; which lots are, 20, 21, 26, 27, 36, 47,
 ‘ 50, 57, 63, 72.

‘ 6. If John Fenwick and his people, refuse to let
 ‘ the land they have taken up of the natives be divided,
 ‘ and refuse to join with you; you may let the country
 ‘ know in what capacity John Fenwick stands, that he
 ‘ hath no power over the persons or estates of any man
 ‘ or woman more than any other person.

‘ 7. What land you take of the natives, let it be
 ‘ taken, viz. ninety parts for the use of William Penn,
 ‘ Gawen Lawrie and Nicholas Lucas, and ten parts
 ‘ for John Edridge and Edmond Warner.

‘ 8. After you have taken the land as above, and
 ‘ divided for a town or settlement, and cast lots for the
 ‘ same as above; then if any have a mind to buy one
 ‘ or more proprieties, sell them at two hundred pound
 ‘ specie; they taking their lots as theirs do; paying to
 ‘ you in hand the value of fifty pounds in part of
 ‘ a propriety, and the rest on sealing their conveyance
 ‘ in London; and so they may presently settle. When
 ‘ any of the lots fall to us, that is to say, he that buy-
 ‘ eth a propriety may settle on any one lot of ninety
 ‘ parts; which said persons that buys, and what lots falls
 ‘ to them, there they may settle, and acquaint us what
 ‘ numbers they are; and if any will take land to
 ‘ them and their heirs forever, for every acre taken up
 ‘ in a place laid out for a town, according to the con-
 ‘ cessions, they are not to have above what shall fall by
 ‘ lot to a propriety in a town.

‘ 9. What charges James Wasse is at, by taking
 ‘ up the land of the natives, we do oblige to pay the
 ‘ same unto him again, with what profits is usual there
 ‘ upon English goods; and he may pitch upon two lots,
 ‘ one

A. D.
1676.

‘one in each town; if they be taken up before he
‘comes away, to his own proper use, for his trouble
‘and pains: And we do also engage to allow and pay
‘what charges any of our commissioners shall disburse
‘in executing these our instructions, to them or their
‘assigns.

‘10. Let us be advised by the first ship that cometh
‘for England, of all proceedings hereupon, and write
‘to the friends at Sandy-Hook, letting them know
‘how things are, and that we have divided with George
‘Carteret, and that our division is all along on Dela-
‘ware river; and that we have made concessions by our
‘selves, which we hope will satisfy friends there. If
‘John Fenwick, or any of the people with him, desire
‘a copy of the deed of partition, let them have it.

‘11. We desire that our original deed may be kept in
‘your own custody, that it may be ready to shew unto
‘the rest of the commissioners, which we intend to
‘send over in the spring, with full power for settling
‘things, and to lay out land, and dispose upon it, and
‘for the settling some method of government according
‘to the concessions.

‘12. If you cannot get Augustin to go with you,
‘or that he be unreasonable in his demands; then send
‘a man to Thomas Bushroods, at Essex lodge, in York
‘river, for William Elliot, who writes to Gawin Lawrie
‘this year, and offered himself to be surveyor, and tell
‘him you had orders from said Lawrie to send for him,
‘and take him with you. He will be willing to be
‘there all winter, and will survey and do other things.
‘He had a good character in Virginia, but was not
‘able to keep it; he is a fair conditioned sober man:
‘Let him stay there all winter, and order him some-
‘thing to live upon.

‘13. If the said Elliot go with you, give him direc-
‘tions what to do. If you cannot stay till a place for a
‘town be surveyed, yet we think you may stay until
‘you have not only pitched upon a place for a town,
‘but also upon a place for a second town and settlement,
‘and have marked out the place round about there, and
‘let

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‘let William Elliot divide both, which no doubt but
 ‘he may do before the spring, that we send over more
 ‘commissioners and people; and if John Fenwick be
 ‘willing to go on jointly with you there, his surveyor
 ‘may go along and help ours, and the charges shall be
 ‘brought in for both proportionably on all. Mind this,
 ‘and speak to Richard Guy, or Richard Hartshorne,
 ‘and leave orders with them to let William Elliot have
 ‘provisions for himself till spring, and we shall order
 ‘them satisfaction for the same; and if there be no
 ‘house near the place you take up for the surveyors to
 ‘lodge in, then let there be a cottage built for them
 ‘on the place, and we will allow the charges.

‘14. And whereas there is tackling there already,
 ‘for fitting of a sloop, as we judge, in the custody of
 ‘Richard Guy: We also give you power if you see
 ‘meet, and that it be of necessary use and advantage
 ‘for the whole concern, you may order these ship-car-
 ‘penters to build a sloop suitable for these materials,
 ‘and appoint them some provision for their food, and
 ‘for the rest of their wages they shall either have it in
 ‘a part of the sloop, or be otherwise satisfied in the
 ‘spring of the year; the said sloop to be ordered and
 ‘disposed upon by you until more commissioners come
 ‘over with further instructions.

‘15. For the goods we have sent over with James
 ‘Wasse are to be disposed upon for purchasing land from
 ‘the natives or otherwise as need is, giving us account
 ‘thereof.

NICHOLAS LUCAS, WILLIAM PENN,
 EDMOND WARNER. GAWIN LAWRIE,
 E. BYLLINGE,

The instrument for dividing the province being
 agreed on by sir George Carteret on the one part, and
 the said E. Byllinge, William Penn, Gawen Lawrie,
 and Nicholas Lucas on the other, they together signed
 a Quintipartite deed, dated *the first day of July, 1676.f.*

The

f. Vid. Grants, concessions, &c. publish'd by A. Leaming and
 J. Spicer. p. 61, &c.

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The line of division being thus far settled, each took their own measures for further peopling and improving their different shares. Sir George Carteret had greatly the advantage respecting improvements, his part being (as we have seen) already considerably peopled: The western proprietors, soon published a description of their moiety; on which many removed thither: But lest any should not sufficiently weigh the importance of this undertaking, and for other reasons, the three principal proprietors published the following cautionary epistle.

Dear friends and brethren,

Epistle.

‘ In the pure love and precious fellowship of our
 ‘ Lord Jesus Christ, we very dearly salute you: Foras-
 ‘ much as there was a paper printed several months
 ‘ since, entitled, *The description of New-West-Jersey*,
 ‘ in the which our names were mentioned as trustees
 ‘ for one undivided moiety of the said province: And
 ‘ because it is alledged that some, partly on this account,
 ‘ and others apprehending, that the paper by the man-
 ‘ ner, of its expression came from the body of friends,
 ‘ as a religious society of people, and not from parti-
 ‘ culars, have through these mistakes, weakly concluded
 ‘ that the said description in matter and form might be
 ‘ writ, printed and recommended on purpose to promp-
 ‘ and allure people, to dis-settle and transplant them-
 ‘ selves, as it’s also by some alledged: And because
 ‘ that we are informed, that several have on that
 ‘ account, taken encouragement and resolution to trans-
 ‘ plant themselves and families to the said province;
 ‘ and lest any of them (as is feared by some) should
 ‘ go out of a curious and unsettled mind, and others
 ‘ to shun the testimony of the blessed cross of Jesus,
 ‘ of which several weighty friends have a godly jealousy
 ‘ upon their spirits; lest an unwarrantable forwardness
 ‘ should act or hurry any beside or beyond the wisdom,
 ‘ and counsel of the lord, or the freedom of his light
 ‘ and spirit in their own hearts, and not upon good and
 ‘ weighty grounds: It truly laid hard upon us, to let
 ‘ friends

‘ friends know how the matter stands ; which we shall
 ‘ endeavour to do with all clearness and fidelity.

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‘ 1. That there is such a *province* as *New-Jersey*, is
 ‘ certain.

‘ 2. That it is reputed of those who have lived and
 ‘ have travelled in that country, to be wholesome of
 ‘ air and fruitful of soil, and capable of sea trade, is
 ‘ also certain ; and it is not right in any to despise or
 ‘ dispraise it, or dissuade those that find freedom from
 ‘ the *Lord*, and necessity put them on going.

‘ 3. That the duke of York sold it to those called
 ‘ lord Berkeley, baron of Stratton, and sir George Car-
 ‘ teret, equally to be divided between them, is also
 ‘ certain.

‘ 4. One *moiety* or half part of the said *province*, being
 ‘ the right of the said lord Berkeley, was sold by him to
 ‘ John Fenwick, in trust for Edward Byllinge, and
 ‘ his assigns.

‘ 5. Forasmuch as E. B. (after William Penn had
 ‘ ended the difference between the said Edward Byl-
 ‘ linge and John Fenwick) was willing to present his
 ‘ interest in the said *province* to his creditors, as all that
 ‘ he had left him, towards their satisfaction, he desired
 ‘ William Penn (though every way unconcerned) and
 ‘ Gawen Lawrie, and Nicholas Lucas, two of his
 ‘ creditors, to be trustees for performance of the same ;
 ‘ and because several of his creditors, particularly and
 ‘ very importunately, pressed William Penn to accept
 ‘ of the trust for their sakes and security ; we did all of
 ‘ us comply with those and the like requests, and accepted
 ‘ of the trust.

‘ 6. Upon this we became trustees for one moiety of
 ‘ the said *province*, yet undivided : And after no little
 ‘ labour, trouble and cost, a division was obtained
 ‘ between the said sir George Carteret and us, as tru-
 ‘ stees : The country is situated and bounded as is
 ‘ expressed in the printed description.

‘ 7. This now divided moiety is to be cast into one
 ‘ hundred parts, lots, or proprieties ; ten of which
 ‘ upon the agreement made betwixt E. Byllinge and J.
 ‘ Fenwick,

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‘Fenwick, were settled and conveyed unto J. Fenwick,
‘his executors and assigns, with a considerable sum of
‘money, by way of satisfaction for what he became
‘concerned in the purchase from the said lord Berkely,
‘and by him afterwards conveyed to John Edridge
‘and Edmond Warner, their heirs and assigns.

‘8. The ninety parts remaining are exposed to sale,
‘on the behalf of the creditors of the said E. B. And
‘forasmuch as several friends are concerned as creditors,
‘as well as others, and the disposal of so great a part
‘of this country being in our hands: we did in real
‘tenderness and regard to friends, and especially to the
‘poor and necessitous, make friends the first offer;
‘that if any of them, though particularly those that
‘being low in the world, and under trials about a
‘comfortable livelihood for themselves and families,
‘should be desirous of dealing for any part or parcel
‘thereof, that they might have the refusal.

‘9. This was the real and honest intent of our hearts,
‘and not to prompt or allure any out of their places,
‘either by the credit our names might have with our
‘people throughout the nation, or by representing the
‘thing otherwise than it is in itself.

‘As for the printed paper sometime since set forth by
‘the creditors, as a description of that province; we
‘say as to two passages in it, they are not so clearly and
‘safely worded as ought to have been; particularly, in
‘seeming to limit the *winter* season to so short a time;
‘when on further information, we hear it is sometime
‘longer and sometime shorter than therein expressed;
‘and the last clause relating to liberty of conscience,
‘we would not have any to think, that it is promised or
‘intended to maintain the liberty of the exercise of
‘religion by force and arms; though we shall never
‘consent to any the least violence on conscience; yet it
‘was never designed to encourage any to expect by
‘force of arms to have liberty of conscience fenced
‘against invaders thereof.

‘10.

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‘10. And be it known unto you all, in the name and
 ‘fear of Almighty God, his glory and honour, power
 ‘and wisdom, truth and kingdom, is dearer to us than
 ‘all visible things; and as our eye has been single, and
 ‘our heart sincere to the living God, in this as in other
 ‘things; so we desire all whom it may concern, that
 ‘all groundless jealousies may be judged down and
 ‘watched against, and that all extremes may be avoided
 ‘on all hands by the power of the Lord; that nothing
 ‘which hurts or grieves the holy life of truth in any that
 ‘goes or stays, may be adhered to; nor any provo-
 ‘cations given to break precious unity.

‘This am I, William Penn, moved of the Lord,
 ‘to write unto you, lest any bring a temptation
 ‘upon themselves or others; and in offending the
 ‘Lord, slay their own peace: *Blessed are they that can*
 ‘*see, and behold him their leader, their orderer, their*
 ‘*conductor and preserver, in staying or going: Whose is*
 ‘*the earth and the fullness thereof, and the cattle upon a*
 ‘*thousand hills.* And as we formerly writ, we cannot
 ‘but repeat our request unto you, that in whomsoever
 ‘a desire is to be concerned in this intended *plantation*,
 ‘such would weigh the thing before the Lord, and not
 ‘headily or rashly conclude on any such remove; and
 ‘that they do not offer violence to the tender love of
 ‘their near kindred and relations; *but soberly and con-*
 ‘*scientiously endeavour to obtain their good wills, the*
 ‘*unity of friends where they live; that whether they go*
 ‘*or stay, it may be of good favour before the Lord (and*
 ‘*good people) from whom only can all heavenly and*
 ‘*earthly blessings come.* This we thought good to write
 ‘for the preventing of all mis-understandings, and to
 ‘declare the real truth of the matter; and so we com-
 ‘mend you all to the Lord, who is the watchman of
 ‘his Israel. We are your friends and brethren.

WILLIAM PENN,
 GAWEN LAWRIE,
 NICHOLAS LUCAS.

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CHAP. VI.

Arrival of more settlers to West-Jersey; their difficulties; their purchases from the Indians; they lay out a town; some of their first sentiments of the country, and an account of the duke of York's two last grants, being for the provinces East and West New-Jersey, separately.

AMONG other purchasers of the West-Jersey lands, were two companies, one made up of some *friends* in Yorkshire,^g (as hinted in the concessions) the other of some *friends* in London; who each contracted for considerable shares, for which they had patents. In 1677, commissioners (agreeable to expectation given) were sent by the proprietors, with power to buy the lands of the natives; to inspect the rights of such as claimed property, and to order the lands laid out; and in general to administer the government, pursuant to the concessions: These commissioners were Thomas Olive, Daniel Wills, John Kinsey, John Penford, Joseph Helmsley, Robert Stacy, Benjamin Scott,

West-
Jersey
commis-
sioners.

^g. Thomas Hutchinson, of Beverley in the county of York, yeoman; Thomas Pierson, of Bonwicke in the said county, yeoman; Joseph Helmsly, of Great Kelke in the said county, yeoman: George Hutchinson, of Sheffield in the said county, distiller, and Mahlon Stacy of Hansworth in the said county, tanner, were all principal creditors to E. Byllinge, to whom several of the other creditors made assignments of their debts, which together amounted to the sum of £. 2450, sterling, and who took in satisfaction of the said sum seven full equal and undivided ninetyeth parts of ninety equal and undivided hundred parts of West-Jersey; and the same was conveyed to them, their heirs and assigns, by William Penn, Gawen Lawrie, Nich. Lucas and Ed. Byllinge, by deed bearing date *the first of the month called March, 1676*: And by another conveyance of the same date, from and to the same persons, in satisfaction for other debts to the amount of £. 1050, sterling, three other full equal and undivided ninetyeth parts of the aforesaid ninety equal and undivided hundred parts of West-Jersey were also conveyed.

Scott, Richard Guy and Thomas Foulke.^h They came in the *Kent*, Gregory Marlow, master, being the second ship from London, to the western parts: After a tedious passage they arrived at New-Castle, the 16th of the 6th month, O. S. King Charles the second, in his barge, pleasuring on the Thames, came along side, seeing a great many passengers, and informed whence they were bound, asked if they were all quakers, and gave them his blessing. They landed their passengers, two hundred and thirty in number, about Rackoon creek, where the Swedes had some scattering habitations; but they were too numerous to be all provided for in houses; some were obliged to lay their beds and furniture in cow stalls, and appartments of that sort; among other inconveniences to which this exposed them, the snakes were now plenty enough to be frequently seen upon the hovels under which they shelter'd: Most of the passengers in this ship were of those called quakers; some of good estates in England. The commissioners had before left them, and were by this time got to a place called Chygoesiⁱ Island, (afterwards Burlington) their business being to treat with the Indians about the land there, and to regulate the settlements, having not only the proprietors but governor Andros's commission for that purpose; for in their passage hither, they had first dropped anchor at Sandy-Hook, while the commissioners went to New-York to acquaint him with their design; for tho' they had concluded the powers they had from the proprietors, were sufficient to their purpose; they thought it a proper respect to the duke of York's commission, to wait on his governor upon the occasion; he treated them civilly, but asked them
if

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^h. Richard Guy came in the first ship: John Kinsey, died at Shackamaxon soon after his landing; his remains were interr'd at Burlington, in ground appropriated for a burying ground, but now a street.

ⁱ. From *Chygoe*, an Indian sachem, who lived there.

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if they had anything from the duke, his master? they replied, nothing particularly; but that he had conveyed that part of his country to lord Berkeley, and he to Byllinge, &c. in which the government was as much conveyed, as the soil: The governor replied, *all that will not clear me: if I should surrender without the duke's order, it is as much as my head is worth; but if you had but a line or two from the duke, I should be as ready to surrender it to you, as you would be to ask it.* Upon which the commissioners, instead of excusing their imprudence in not bringing such an order, began to insist upon their right, and strenuously to assert their independency: But Andros clapping his hand on his sword, told them, that should defend the government from them, till he received orders from the duke, his master, to surrender it; he however softened, and told them, he would do what was in his power, to make them easy, till they could send home to get redress; and in order thereto, would commissionate the same persons mentioned in the commission they produced. ^k This they accepted, and undertook to act as magistrates under him, till further orders came from England, and proceed in relation to their land affairs, according to the methods prescribed by the proprietors.

Indian
purchases.

When arrived at their government, they applied to the Swedes for interpreters between them and the Indians: Israel Helmes, Peter Rambo, and Lucy Cock, were recommended: By their help they made a purchase from Timber Creek to Rankokas Creek, another from Oldman's Creek to Timber Creek: After this they got Henric Jacobson Falconbre, to be their interpreter, and purchased from Rankokas Creek to
Assunpinck:

^k John Fenwick having neglected this precaution, as to the government of his tenth, was sent for a prisoner to New-York.

Assunpink:^l But when they had agreed upon this last purchase, they had not Indian goods sufficient to pay the

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l. The deed for the lands between Rankokas creek and Timber creek bears date *the 10th of September, 1677*; that for the lands from Oldman's creek to Timber creek *the 27th of September, 1677*, and that from Rankokus creek to Assunpink *the 10th of October, 1677*: By the consideration paid for the lands between Oldmans and Timber creek, a judgment may be formed of the rest. It consisted of 30 matchcoats, 20 guns, 30 kettles and one great one, 30 pair of hose, 20 fathom of duffields, 30 petticoats, 30 narrow hoes, 30 bars of lead, 15 small barrels of powder, 70 knives, 30 indian axes, 70 combs, 60 pair of tobacco tongs, 60 scissars, 60 tinshaw looking-glasses, 120 awl-blades, 120 fishhooks, 2 grasps of red paint, 120 needles, 60 tobacco boxes, 120 pipes, 200 bells, 100 Jew-harps, 6 anchors of rum. In the year 1703, another purchase was made by the council of proprietors of West-Jersey, of land lying above the falls of Delaware; another also about that time of lands at the head of Rankokas river, and several purchases afterwards included the whole of the lands worth taking up in West-Jersey, except a few plantations reserved to the Indians; one of these in particular ought to be noted in this place, to the honour of John Wills, sometime one of the council, by whose advice the indian sachem, called king Charles, laid an English right on a large plantation at Weekpink, containing a valuable tract of land, in the county of Burlington, which is so contrived as to remain unalienable from his posterity, who now enjoy the benefit of it.

The following are entries from the records of the council of proprietors relating to the purchases above.

'At a meeting of the council of proprietors at Burlington, the
'second day of November, anno 1703. PRESENT: George Deacon,
'president, Samuel Jennings, Thomas Gardner, Christopher We-
'therill, John Reading. ORDERED, That John Wills, William
'Biddle, jun. and John Reading, or any two of them, do go up
'to the Indians above the Falls, and particularly to Caponockous,
'in order to have the tract of land lately purchased of the Indians
'marked forth, and get them to sign a deed for the same; as also to
'receive the residue of the goods as yet unpaid, or so many of
'them that can be had, and to give him an obligation for the pay-
'ment of the remaining part next spring. *Ordered likewise*, That
'the persons abovesaid, do go to Nimhammoe's wig-wam, in order
'to treat with him, to see the bounds of the land lately purchased
'of him, to mark the same if it may be, and to pay him what part
'of the goods is already procured in part towards the said purchase;
'and to do what else may be necessary towards perfecting purchases
'of the concerns with the said Indians, and completing of the
'aforesaid; the said persons also taking with them Thomas Foulke,
'Andrew Heath, or some other proper person, to be an interpreter
'between them and the Indians. 'At

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the consideration, yet gave them what they had, to get the deed signed; they were however obliged to agree

'At a meeting of the council of proprietors at Burlington, on the 27th day of June, anno dom. 1703. PRESENT: Mahlon Stacy, Thomas Gardner, John Wills, George Deacon, Christopher Wetherill, Samuel Jennings and John Reading. The persons appointed to treat with the Indians, at the Falls, do make report, that they accordingly met with the Indians, and made a full agreement with them, that is to say, with Himhammoe, for one tract of land, adjoining to the division line, and lying on both sides of Rariton River, for the goods mentioned in a certain list for that purpose made; and also with Coponnockou, for another tract of land, lying between the purchase made by Adlord Bonde, and the bounds of the land belonging to Nimhammoe, fronting upon Delaware river, for the goods mentioned in a particular list made to that end. Ordered, That publick notice be given to the proprietors within this province, that they meet together at Burlington, on the 19th day of July next, in order to inform them, that a purchase is made, upon what terms, and also that all such may deposit their proportions of the charge, that expect to receive benefit thereby; which paper of publication is in these words.

'By the council of proprietors sitting in Burlington, the 28th day of June, anno dom. 1703. Whereas many of the proprietors of this province have at sundry times addressed the council of proprietors, that they might be allowed a third dividend or taking up of land, proportionable to their particular and respective rights in the said province: Now this may certify, that the said council having taken into their consideration the request of the said proprietors, and in order to answer the same, have lately made an Indian purchase of lands situate above the falls of Delaware; and therefore all proprietors who are concerned therein, or expect to receive benefit thereby, are hereby required to meet with the said council at Burlington, on the nineteenth day of July next, that they may be more particularly informed concerning the said purchase, and upon what terms and conditions it is made, and also to deposit their respective proportions of the said purchase, and all other charge accruing thereby. Given under my hand per order, and on the behalf of the said council, the day and year above said.

'Upon the application of *Mahamickwon*, alias king Charles, an Indian sachem, unto the council of proprietors, concerning the bounds of two Indian purchases, formerly made from Rankokas creek to Timber creek, and from Rankokas to Assumpink, in which deeds is mentioned the bounds to be from the uppermost head of Rankokas to the uppermost head of Timber creek, and by a right line extending from the uppermost head of Rankokas to the line of partition of sir George Carteret, right against the uppermost head of Assumpink; which bounds were inserted through misunderstanding between the interpreters and the English, and in truth ought to

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agree with the Indians not to settle till the remainder was paid: Having travelled through the country and viewed

‘to be according to a line that was afterwards actually run by agreement, made between the English and the Indians, and which comes lower upon the creek than the uppermost heads thereof; which said line the said king Charles desires may be allowed, entered and recorded, as the true and right bounds of said purchase and that the abovementioned bounds may be vacated and held utterly void for the future, to which the council assents: informing the sachem, that they always did and now do acknowledge and own the last mentioned line to be the true limits of those purchases, and order the same as actually run and marked by the English and Indians, to be approved and held only for the true line of the abovementioned purchases; and that the first mentioned and mistaken bounds be accounted null and void; and also that a record be accordingly made thereof.

‘At a meeting of the council of proprietors, the 19th of July, 1703. PRESENT: Samuel Jennings, Thomas Gardier, George Deacon, Christopher Wetherill, John Hugg, Isaac Sharp, and John Reading; the president absent. Memorandum, to inform the proprietors, *First*, that the council have made two Indian purchases, amounting to, according to our best computation, the number of 150,000 acres at the least, the cost whereof to the Indians, with other incidental charges, will amount to about the sum of £. 700. *Secondly*, That it is the design of the said council, to give publick notice to the proprietors in England and elsewhere, what purchase is already made, of the opportunity of purchasing more land, that may be sufficient to allow the number of 5000 acres for each dividend to a propriety, and of the cost thereof, which by as near an estimation as we can make, will be about 24 l. propriety for each dividend; and that if the said proprietors will appoint their agents, and defray their proportionable part of the charges, on or before the 20th day of July, anno dom. 1704, that then they shall receive their respective rights, after the same method that the rest of the proprietors do, at any time after the 18th of October 8, 1704. *Thirdly*: But if the said absent proprietors shall neglect or refuse to pay their parts of the said charge, then that the said Indian purchase already made, shall be taken up by such proprietary residents in these parts, that shall deposite their respective parts of the said purchase; which at 5000 for the dividend to a propriety, will amount to about 30 proprietries, which we judge will nearly answer all the proprietors who are or have agents in these parts. *Fourthly*: It is expected, that all such proprietors who design to be interested for the Indian purchase, do in some short time, advance their particular parts of the said costs, in order to pay the Indians off according to agreement made with them.’

Jeremiah

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Burlington
laid out.

viewed the land, the Yorkshire commissioners, Joseph Helmsley, William Emley and Robert Stacy, on behalf of the first purchasers, chose from the falls of Delaware down, which was hence called the first tenth; the London commissioners, John Penford, Thomas Olive, Daniel Wills, and Benjamin Scott, on behalf of the ten London proprietors, chose at Arwaumus, (in and about where the town of Gloucester now is) this was called the second tenth: To begin a settlement there, Olive sent up servants to cut hay for cattle he had bought: When the Yorkshire commissioners found the others were like to settle at such a distance, they told them, if they would agree to fix by them, they would join in settling a town,^m and that they should have the largest share, in consideration that they (the Yorkshire commissioners) had the best land in the woods: Being few, and the Indians numerous, they agreed to it. The commissioners employed Noble, a surveyor, who came in the first ship, to divide the spot. After the main street was ascertained, he divided the land on each side into lots; the easternmost among the Yorkshire proprietors, the other among the Londoners: To begin a settlement, ten lots of nine acres each, bounding on the west, were laid out; that done, some passengers from Wickaco, chiefly those concerned in the Yorkshire tenth, arrived the latter end of October. The London commissioners also employed Noble, to divide the part of the island yet unsurveyed, between the ten London proprietors, in

Jeremiah Bass, attorney to the *West-Jersey Society*, made a purchase on their behalf, in 1693, of the lands between Cohansick creek and Morris's river. [Vid. Revell's book, secretary's office, Burl. p. 325.] Many other Indian purchases were before and afterwards, from time to time occasionally made, as the lands were wanted, in both East and West Jersey; they are too numerous to be all particularized; and one hereafter mentioned, completed the whole that was left.

m. In pursuance of the charter brought with them from England.

in the manner beforementioned: The town thus by mutual consent laid out, the commissioners gave it the name first of New-Beverley, then Bridlington, but soon changed it to Burlington. Some of the masters of families that came in the ship last mentioned, and settled in that neighbourhood, were Thomas Olive, Daniel Wills, William Peachy, William Clayton, John Crips, Thomas Eyes, Thomas Harding, Thomas Nositer, Thomas Fairnsworth, Morgan Drewet, William Pennton, Henry Jennings, William Hibes, Samuel Lovett, John Woolston, William Woodmancy, Christopher Saunders, and Robert Powell: John Wilkinson and William Perkins, were likewise with their families passengers, but dying on the voyage, the latter were exposed to additional hardships, which were however moderated by the care of their fellow passengers: Perkins was early in life convinced of the principles of those called Quakers, and lived well in Leicestershire; but seeing an account of the country wrote by Richard Hartshorne, and forming views of advantage to his family, tho' in his 52d year, he, with his wife, four children and some servants, embarked in this ship: Among the latter was one Marshall, a carpenter, particularly serviceable in fitting up habitations for the new comers; but it being late in the fall when they arrived, the winter was much spent before the work was begun; in the interim they lived in wigwams, built after the manner of the Indians. Indian corn and venison, supplied by the Indians, was their chief food: These people were not then much corrupted with strong liquors, but generally very friendly and helpful to the English; notwithstanding it was thought endeavours had been used to make them otherwise, by insinuations that the English sold them the small-pox

in

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and named.

W. Perkins.

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in their matchcoats.ⁿ This distemper was among them, and a company getting together to consult about it, one of

ⁿ. Thomas Budd, who own'd a share of propriety in West-Jersey, and ancestor to a large family there, who arrived at Burlington in 1768, in a pamphlet describing the country, about nine or ten years afterwards, says, 'The Indians told us, in a conference at Burlington, 'shortly after we came into the country, they were advised to make 'war on us, and cut us off while we were but few: for that we sold 'them the small pox, with the matchcoat they had bought of us; which 'caused our people to be in fears and jealousies concerning them; 'therefore we sent for the Indian kings to speak with them, who with 'many more Indians came to Burlington, where we had a conference 'with them about the matter; we told them we came amongst them by 'their own consent, and had bought the land of them, for which we 'had honestly paid them; and for what commodities we had bought 'at any time of them, we had paid them for, and had been just to 'them, and had been, from the time of our first coming, very 'kind and respectful to them; therefore we know no reason that 'they had to make war on us; to which one of them, in behalf of 'the rest, made this following speech in answer. "Our young "men may speak such words as we do not like nor approve of, and "we cannot help that; and some of your young men may speak "such words as you do not like, and you cannot help that: We "are your brothers, and intend to live like brothers with you; we "have no mind to have war; for when we have war, we are only "skin and bones, the meat that we eat doth not do us good; we "always are in fear, we have not the benefit of the sun to shine "on us, we hide us in holes and corners; we are minded to live at "peace. If we intend at any time to make war upon you, we will let "you know of it, and the reasons why we make war with you; and "if you make us satisfaction for the injury done us, for which the "war was intended, then we will not make war on you; and if you "intend at any time to make war on us, we would have you let us "know of it, and the reason; and then if we do not make satis- "faction for the injury done unto you, then you may make war on "us, otherwise you ought not to do it; you are our brothers, and "we are willing to live like brothers with you; we are willing to "have a broad path for you and us to walk in, and if an Indian is "asleep in this path, the Englishman shall pass by, and do him no "harm; and if an Englishman is asleep in this path, the Indian "shall pass him by, and say, *He is an Englishman, he is asleep; let "him alone, he loves to sleep.* It shall be a plain path; there must "not be in this path a stump to hurt our feet. And as to the small "pox, it was once in my grandfathers time, and it could not be the "English that could send it to us then, there being no English in "the country: And it was once in my father's time, they could not "send it us then neither; and now it is in my time, I do not believe "that

'of their chiefs said,—‘In my grandfather’s time the
 ‘small-pox came: In my father’s time the small-pox
 ‘came

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“that they have sent it us now; I do believe it is the man above
 “that hath sent it us.”

‘Some are apt to ask, how we can propose safely to live amongst
 ‘such a heathen people, as the Indians, whose principles and practi-
 ‘ces leads them to war and bloodshed, and ours on the contrary,
 ‘to love enemies? *I answer:* That we settled by the Indians con-
 ‘sent and good liking, and bought the land of them that we settle
 ‘on; which they conveyed to us by deeds, under their hands
 ‘and seals, and also submitted to several articles of agreement with
 ‘us, viz. *not to do us any injury:* But if it should so happen, that
 ‘any of their people at any time should injure or do harm to any
 ‘of us, then they to make us satisfaction for the injury done;
 ‘therefore if they break these covenants and agreements, then in
 ‘consequence of them, they may be proceeded against as other
 ‘offenders, viz. to be kept in subjection to the magistrate’s power,
 ‘in whose hand the sword of justice is committed, to be used by
 ‘him for the punishment of evil doers, and praise of them that do
 ‘well; therefore I do believe it to be both lawful and expedient to
 ‘bring offenders to justice, by the power of the magistrate’s sword;
 ‘which is not to be used in vain, but may be used against such as
 ‘raise rebellions and insurrections against the government of the
 ‘country, be they christians or Indians (now that these have so far
 ‘agreed to abide by the laws of civil government) otherwise it is in
 ‘vain for us to pretend to magistracy or government; it being that
 ‘which we own to be lawful both in principle and practice.—The
 ‘Indians have been very serviceable to us by selling us venison, Indian
 ‘corn, pease and beans, fish and fowl, buck-skins, beaver, otter,
 ‘and other skins and furs; the men hunt, fish and fowl, and
 ‘the women plant the corn and carry burthens: There are many
 ‘of them of a good understanding, considering their education,
 ‘and in their publick meetings of business, they have excellent
 ‘order, one speaking after another: and while one is speaking, all
 ‘the rest keep silent, and do not so much as whisper one to the other:
 ‘we had several meetings with them; one was in order to put down
 ‘the sale of rum, brandy, and other strong liquors, to them, they
 ‘being a people that have not government of themselves so as to
 ‘drink in moderation; At which time there were eight kings [*One*
 ‘*of them was Okanickon, a noted friend to the English; of whom*
 ‘*more in the viiith chapter.*] and many other Indians. The kings sat
 ‘on a form, and we on another over against them; they had pre-
 ‘pared four belts of wampum, (so their current money is called, being
 ‘black and white beads made of a fish-shell) to give us as seals of the
 ‘covenant they made with us; one of the kings, by the consent and
 ‘appointment of the rest, stood up and made this following speech.
 ‘The strong liquor was first sold to us by the Dutch; and they
 “were

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‘came; and now in my time the small-pox is come.’ Then stretching his hands towards the skies, said, ‘it came from thence.’ To this the rest assented.

Having traced this ship’s company into winter quarters, the next in course is the *Willing Mind*, John Newcomb commander; she arrived from London, in November, and dropt anchor at Elsingburgh; brought about sixty or seventy passengers: Some settled at Salem, others at Burlington; among the former were James Nevill, Henry Salter, and George Deacon, with their families. In this year also arrived the Flie-Boat Martha, of Burlington, (Yorkshire) sailed from Hull the latter end of summer, with one hundred and fourteen passengers, designed to settle the Yorkshire tenth: Some masters of families in this ship, were Thomas Wright, William Goforth, John Lynam, Edward Season, William Black, Richard Dungworth, George Miles, William Wood, Thomas Schooley, Richard Harrison, Thomas Hooten, Samuel Taylor

“were blind, they had no eyes, they did not see that it was for our
“hurt: The next people that came among us were the Swedes,
“who continued the sale of those strong liquors to us; they were
“also blind, they had no eyes, they did not see it to be hurtful to us
“to drink it, although we know it to be hurtful to us; but if people
“will sell it to us, we are so in love with it that we cannot forbear
“it: when we drink it, it makes us mad, we do not know what we
“do, we then abuse one another, we throw each other into the fire.
“Seven score of our people have been killed by reason of the
“drinking it, since the time it was first sold us: Those people that
“sell it are blind, they have no eyes; but now there is a people
“come to live amongst us, that have eyes, they see it to be for our
“hurt, and we know it to be for our hurt: They are willing to deny
“themselves the profit of it for our good: These people have eyes;
“we are glad such a people are come amongst us; we must put it
“down by mutual consent; the cask must be sealed up; it must be
“made fast, it must not leak by day nor by night, in the light nor in
“the dark; and we give you these four belts of wampum, which
“we would have you lay up safe, and keep by you, to be witnesses
“of this agreement that we make with you; and we would have
“you tell your children, that these four belts of wampum are given
“you to be witnesses betwixt us and you of this agreement.”

Taylor, Marmaduke Horsman, William Oxley, William Ley, and Nathaniel Luke; the families of Robert Stacy and Samuel Odas; and Thomas Ellis and John Batts, servants, sent by George Hutchinson, also came in this ship. Twenty of the passengers, perhaps more, were living 45 years afterwards.

In one of these ships, or about this time however, arrived John Kinsey, then a young man; his father one of the commissioners aforementioned, dying on his arrival, the care of his family fell to him; he was afterwards a man of distinguished services, in several public stations; and his son after him, of the same name, the late chief justice of Pennsylvania, must be long remembered by many in both provinces.

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John Kinsey, three of that name.

Having landed so many of the settlers, it may not be disagreeable to know some of their first sentiments of the country. John Crips in a letter to Henry Stacy, gives the following account of it.

‘From Burlington, in Delaware river,
the 26th of the 8th month, 1677.

‘Dear Friend,

‘Through the mercy of God, we are safely arrived
‘at New-Jersey; my wife and all mine are very well,
‘and we have our healths rather better here than we
‘had in England; indeed the country is so good, that
‘I do not see how it can reasonably be found fault with:
‘As far as I perceive, all the things we heard of it in
‘England, are very true; and I wish that many
‘people (that are in straits) in England, were here.
‘Here

John
Crips letter.

o. Many that came servants, succeeded better than some that brought estates; the first inured to industry, and the ways of the country, became wealthy, while the others obliged to spend what they had in the difficulties of first improvements; and others living too much on their original stock, for want of sufficient care to improve their estates, have, in many instances, dwindled to indigency and want.

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‘Here is good land enough lies void, would serve
 ‘many thousands of families; and we think if they
 ‘cannot live here, they can hardly live in any place in
 ‘the world; but we do not desire to persuade any to
 ‘come, but such as are well satisfied in their own
 ‘minds. A town lot is laid out for us in Burlington,
 ‘which is a convenient place for trade; it is about one
 ‘hundred and fifty miles up the river Delaware; the
 ‘country and air seems to be very agreeable to our bodies,
 ‘and we have very good stomachs to our victuals:
 ‘Here is plenty of provision in the country; plenty
 ‘of fish and fowl, and good venison very plentiful,
 ‘and much better than ours in England; for it eats
 ‘not so dry, but is full of gravy, like fat young
 ‘beef. You that come after us need not fear the
 ‘trouble that we have had, for now here is land ready
 ‘divided against you come: The Indians are very
 ‘loving to us, except here and there one, when they
 ‘have gotten strong liquors in their heads, which they
 ‘now greatly love: But for the country, in short, I
 ‘like it very well; and I do believe, that this river of
 ‘Delaware is as good a river as most in the world:
 ‘It exceeds the river of Thames by many degrees.

‘Here is a town laid out for twenty properties, and
 ‘a straight line drawn from the river side up the land,
 ‘which is to be the main street, and a market place
 ‘about the middle. The Yorkshire ten proprietors
 ‘are to build on one side, and the London ten the other
 ‘side; and they have ordered one street to be made
 ‘along the river side, which is not divided with the
 ‘rest, but in small lots by itself; and every one that
 ‘hath any part in a propriety, is to have his share in
 ‘it. The town lots for every propriety will be about
 ‘ten or eleven acres, which is only for a house,
 ‘orchard and gardens; and the corn and pasture
 ‘ground is to be laid out in great quantities.

‘I am thy loving friend,

JOHN CRIPS.

Thomas

Thomas Hooten to his wife, dated 29th 8th month,
1677.

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1677.

‘My dear,

‘I am this present at the town called Burlington,
‘where our land is: it is ordered to be a town for the
‘ten Yorkshire and ten London proprietors. I like
‘the place well; our lot is the second next the
‘water side: It’s like to be a hearty place, and
‘very pleasant to live in. I came hither yesterday,
‘being the 28th of October, with some friends that
‘were going to New-York. I am to be at Thomas
‘Olive’s house, till I can provide better for myself: I
‘intend to build a house, and get some corn into the
‘ground: And I know not how to write concerning
‘thy coming, or not coming hither; the place I like
‘very well, and I believe that we may live here very
‘well: But if it be not made free, I mean as to the
‘customs and government, *p.* then it will not be so
‘well, and may hinder many that have desires to
‘come: But if those two things be cleared, thou may
‘take thy opportunity of coming this summer.

THOMAS HOOTEN.

William Clark to the proprietors.

‘Dear Friends,

New-Jersey, 20th
2d month, 1678.

1678.

‘I doubt not but it will be great satisfaction to you,
‘to hear of mine and the rest of friends passage to,
‘and safe arrival in New-Jersey: We took ship the
‘sixteenth of November, and made the land of New-
‘Jersey in thirty-four days. Now friends, as to this
‘country, there has been much said by several persons
‘in commendation thereof, both as to the increase of
‘all sorts of grain and fruits; as also of the plenty
‘of fish, fowl, deer, swine, &c. that I shall not need
‘to add any thing to it; but in short, this I have to
‘say

p. The customs were those imposed at New-Castle, upon all
comers, of which we shall presently see a more particular account)
the government was yet administered by virtue of governor Andros’s
commission, both which were unexpected and disagreeable: but these
objections were soon removed.

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‘say, that I do not know any one thing to fall short
‘of what was reported of this province, but that more
‘might truly have been said of its pleasant situation,
‘wholesome air, and general and great increase of all
‘things planted, and especially of Indian corn, which is
‘a very good and serviceable grain many ways; the
‘English wheat and barley primely good; but rie and
‘pease much better than any I ever saw in England or
‘Ireland. I doubt not but you have had an account
‘of all other matters before this (by those who came
‘to Jersey before me) comes to your hands: And I
‘have no other end in this, than keeping you from the
‘rash censures of people that know it not; as also for
‘the good and prosperity of this good county, &c.

Directed for William Penn. }
Gawen Lawrie, or Edward Byllinge. } WILLIAM CLARK.

John Crips to his brother and sister.

Burlington, in New-Jersey, upon the river Delaware,
the 19th of 4th month, called June, 1678.

‘Dear and loving brother and sister.

‘I have received both your letters, wherein I under-
‘stand your faith concerning this country, is much
‘shaken, thro’ several false reports given thereof; which
‘may be proved false under the hands of several good
‘friends; I hope as worthy to be believed as that
‘reporter; and such as have had more experience of
‘this place than he had, or could have, in so short a
‘time; besides he came among us shortly after our
‘coming hither, when things were not settled in that
‘order amongst us, as now they are; neither indeed
‘did he find such entertainment from some, as he ex-
‘pected; which I suppose makes him speak the worst
‘he can devise of this place: But I question not but
‘this report will in a short time be wiped away, some
‘of which in my knowledge, is grossly untrue, as
‘well as contradictions to his own words; for I re-
‘member when I travelled with him through part of
‘New-Jersey, he confessed that much of this land was
‘as good or better than the land in Rhode-Island:
‘And it’s really my judgment, that those people that
‘cannot

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' cannot be contented with such a country, and such land
 ' as this is, they are not worthy to come here: And
 ' this I can truly tell you, if I were now in England
 ' with you (and which I should be very glad to see)
 ' yet if all I had in the world would but bring me
 ' hither, I would freely leave you and my native
 ' country, and come to New-Jersey again; which I
 ' have said many a time heretofore, but now write it
 ' under my hand, and it's really the truth, whether
 ' you will believe it or not: and farther, I can truly tell
 ' you, that I desire not, nor dare to write the least
 ' untruth, to draw you, nor any others to this place:
 ' But I am resolved, if I never see your faces more, to
 ' leave you to your own freedom. But I hope you
 ' are not insensible of my love and desires for you;
 ' tho' I am, I say, constrained to forbear persuading
 ' you, or any one else against their own freedoms; yet
 ' I think it my duty to let you, and all men know
 ' the truth of things as near as I can. Your letter
 ' saith, "it's reported the water is not so good as in
 ' "England." I do not remember that ever I tasted
 ' better water in any part of England, than the springs
 ' of this place do yield; of which is made very good
 ' beer and ale; and here is also wine and cyder. And
 ' whereas your letter to me saith, "several have come
 ' "back from this country to England." Two or three
 ' I suppose: there are lazy idle persons that have done
 ' so; but on the other hand, here are several persons,
 ' men of estates, that have been here, and have gone
 ' back to England, and sold their estates and returned
 ' with their whole families, hither again; which
 ' methinks should take many of these scruples out of
 ' the way, if nothing else were said or done in praise of
 ' this country: But I suppose there are many in
 ' England, that desire to hear ill of this place, because
 ' they would keep their friends there with them; and
 ' they think we never write enough of the bad pro-
 ' perties of the country, and vermin in it. Now this
 ' I may say, in short, that here are bears, wolves, foxes,
 ' rattle snakes, and several other creatures, (I do believe
 ' because I see the Indians have such skins to sell) but
 ' I

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1678.

‘I have travelled several hundreds of miles, to and
‘fro, and I never to my knowledge, saw one of those
‘creatures, except two rattle snakes, and I killed them
‘both: I suppose the fear of those creatures in
‘England, is far worse to some there, than the hurt of
‘them is here; and as for the musketto fly, we are not
‘troubled with them in this place; our land for the
‘most part, lying high and healthy, and they for the
‘most part, are in a low boggy ground. Thomas
‘Budd and his family are arrived; the ship lyeth
‘before this town, that brought them: I wish you
‘have not cause to repent that you came not along
‘with them; they had a very good passage, and so had
‘the London ship: they are both in the river at this
‘time. I understand by Thomas Budd, that he did
‘satisfy you as near as he could, of the truth of things
‘here; and you had as much reason to believe him, as
‘that other person, and more too; for Thomas had
‘far more experience of this place, than he could have
‘in the short time he was among us; so of these things
‘I shall forbear to write any further at present.

JOHN CRIPS.

‘To the truth of the contents of these things, we
‘subscribe our names; Daniel Wills, Thomas Olive,
‘Thomas Harding, Thomas Budd, William Peachy.

The ship
Shield.

In the 10th month O. S. 1678, arrived *the Shield*,
from Hull, Daniel Towes commander, one of the
ships mentioned in the above letter, and dropped
anchor before Burlington, being the first ship that came
so far up Delaware: Against Coaquanoock^g. being a bold
shore, she went so near in turning, that part of the tack-
ling struck the trees; some on board then remarked it
was a fine spot for a town: A fresh gale brought her to
Burlington: She moor’d to a tree, and the next morning
the people came ashore on the Ice, so hard had the
river suddenly frozen. In her came William Emley,
the

^g. The Indian name of the place where Philadelphia now stands.

the second time, with his wife, two children, one born by the way, two men and two women servants; Mahlon Stacy, his wife, children and several servants, men and women; Thomas Lambert, his wife, children and several men and women servants; John Lambert and servant; Thomas Revell, his wife, children and servants; Godfrey Hancock, his wife, children and servants; Thomas Potts, his wife and children; John Wood and four children; Thomas Wood, his wife and children; Robert Murfin, his wife and two children; Robert Schooly, his wife and children; James Pharo, his wife and children; Susannah Fairnsworth, her children and two servants; Richard Tattersal, his wife and children; Godfrey Newbold, John Dewsbury, Richard Green, Peter Fretwell, John Fretwell, John Newbold, one Barns, a merchant from Hull, Francis Barwick, George Parks, George Hill, John Heyres, and several more.

In this year also arrived a ship from London, which brought John Denu, Thomas Kent, John Hollinshead, with their families; William Hewlings, Abraham Hewlings, Jonathan Eldridge, John Petty, Thomas Kirby, with others: The first of these settled about Salem, the rest at Burlington. About this time, and a few years afterwards, arrived at Burlington, the following settlers from England, viz. John Butcher, Henry Grubb, William Butcher, William Brightwin, Thomas Gardner, John Budd, John Bourten, Seth Smith, Walter Pumphrey, Thomas Ellis, James Satterthwaite, Richard Arnold, John Woolman, John Stacy, Thomas Eves, Benjamin Duifield, John Payne, Samuel Cleft, William Cooper, John Shinn, William Biles, John Skein, John Warrel, Anthony Morris, Samuel Bunting, Charles Read, Francis Collins, Thomas Mathews, Christopher Wetherill, John Dewsbury, John Day, Richard Basnett, John Antrom, William
‘ Biddle,

A. D.
1678.

A. D.
1678.

Biddle, Samuel Furnace, John Ladd, Thomas Raper, Roger Huggins and Thomas Wood. *r.*

Some hint has been given respecting the Dutch conquest of New-York and New-Jersey,^{s.} and that in 1673, they were yielded to king Charles the second, by the general article of the treaty of peace: It was to prevent any disputes that might arise upon a plea of the property being thus alienated from the first purchasers, that that king did, by his letters patent bearing date *the 29th day of June, 1674*, grant unto the duke of York, his heirs and assigns, the several tracts of land in

r. Several of these have died within a few years past; whether any but Wood are yet living, cannot here be told.

s. The accounts of that affair, tho' sufficient to authenticate the facts, are defective: Sir George Carteret in a publick declaration to the inhabitants, dated July 31, 1674, asserts it positively. The ingenious author of the history of New-York, says, (*p.* 29, 30, 31.) "A few Dutch ships arrived the 30th of July 1673, under Staten-Island, at the distance of a few miles from the city of New-York. John Manning a captain of an independent company, had at that time the command of the fort, and by a messenger sent down to the squadron, treacherously made his peace with the enemy. On that very day, the Dutch ships came up, moored under the fort, landed their men, and entered the garrison, without giving or receiving a shot. A council of war was afterwards held at the Stadt-House, at which were present, Cornelius Evertse, jun. and Jacob Benkes, commodores, and Anthony Colve, Nicholas Boes, Abraham Ferd. Van Zyll, captains. All the magistrates and constables from East-Jersey, Long Island, Esopus and Albany, were immediately summoned to New-York; and the major part of them swore allegiance to the States General, and the prince of Orange. Col. Lovelace was ordered to depart the province, but afterwards obtained leave to return to England with commodore Benkes. It has often been insisted on, that this conquest did not extend to the whole province of New-Jersey; but upon what foundation I cannot discover: From the Dutch records it appears, that deputies were sent by the people inhabiting the country, even so far westward as Delaware river, who in the name of their principals, made a declaration of their submission; in return for which, certain privileges were granted to them, and three judicatories erected at Niewer Amstel, Upland, and Hoarkill. The Dutch governor enjoyed his office but a very short season, for on the 9th of February 1674, the treaty of peace between England and the States General was signed at Westminster; the sixth article of which restored this country to the English."

in America, which by the former letters patent had been granted to him; of which New-Jersey was part. In this year, upon the application of the assigns of lord Berkely, the duke made them a new grant of West New-Jersey; and in like manner by an instrument bearing date the 10th of October, granted the eastern moiety of New-Jersey, to the grandson of sir George Carteret.

A. D.
1678.

CHAP. VII.

*Letters from some of the settlers of West-Jersey:
and arguments against the customs imposed at the Hoar
Kill by the governor of New-York.*

SOME letters from the first settlers of West-Jersey, with accounts of their situation and sentiments of the country, have already been introduced; more might be added, but the following may suffice in this place.

Abstract of Mahlon Stacy's letter to his brother Revell, and some others, dated *the 26th of the 4th month* 1680.

1680.

‘ But now a word or two of those strange reports you
‘ have of us and our country; I affirm they are not
‘ true, and fear they were spoke from a spirit of envy:
‘ It is a country that produceth all things for the support
‘ and sustenance of man, in a plentiful manner; if it
‘ were not so, I should be ashamed of what I have
‘ before written; but I can stand, having truth on my
‘ side, against and before the face of all gainsayers
‘ and evil spies: I have travelled through most of
‘ the places that are settled, and some that are not, and
‘ in every place I find the country very apt to answer
‘ the expectation of the diligent: I have seen orchards
‘ laden with fruit to admiration, their very limbs
‘ torn to pieces with the weight, and most delicious to
‘ the

A. D.
1680.

‘the taste, and lovely to behold; I have seen an apple
‘tree from a pippin kernel, yield a barrel of curious
‘cyder: and peaches in such plenty, that some people
‘took their carts a peach-gathering; I could not but
‘smile at the conceit of it: They are a very delicate
‘fruit, and hang almost like our onions that are tied
‘on ropes: I have seen and known this summer, forty
‘bushels of bold wheat of one bushel sown; and many
‘more such instances I could bring; which would be
‘too tedious here to mention: We have from the time
‘called May until Michaelmass, great store of very
‘good wild fruits, as strawberries, cranberries and
‘hurtleberries, which are like our bilberries in England,
‘but far sweeter; they are very wholesome fruits. The
‘cranberries much like cherries for colour and bigness,
‘which may be kept till fruit come in again; an excel-
‘lent sauce is made of them for venison, turkeys, and
‘other great fowl, and they are better to make tarts
‘than either goosberries or cherries; we have them
‘brought to our houses by the Indians in great plenty.
‘My brother Robert had as many cherries this year as
‘would have loaded several carts: It is my judgment
‘by what I have observed, that fruit trees in this
‘country destroy themselves by the very weight of their
‘fruit: As for venison and fowls, we have great plen-
‘ty: We have brought home to our houses by the
‘Indians, seven or eight fat bucks of a day; and some
‘times put by as many; having no occasion for them;
‘and fish in their season very plenteous: My cousin
‘Revell and I, with some of my men, went last third
‘month into the river to catch herrings; for at that
‘time they came in great shoals into the shallows; we
‘had neither rod nor net; but after the Indian fashion
‘made a round pinfold, about two yards over, and a
‘foot high, but left a gap for the fish to go in at, and
‘made a bush to lay in the gap to keep the fish in; and
‘when that was done, we took two long birches and
‘tied their tops together, and went about a stone’s cast
‘above our said pinfold; then hawling these birche’s
‘boughs down the stream, where we drove thousands
before

A. D.
1689.

‘before us, but so many got into our trap as it would
 ‘hold, and then we began to hawl them on shore as
 ‘fast as three or four of us could, by two or three at a
 ‘time; and after this manner, in half an hour, we
 ‘could have filled a three bushel sack of as good and
 ‘large herrings as ever I saw; and as to beef and pork,
 ‘here is great plenty of it, and cheap; and also good
 ‘sheep: The common grass of this country feeds beef
 ‘very fat: I have killed two this year, and therefore I
 ‘have reason to know it; besides I have seen this fall,
 ‘in Burlington, killed eight or nine fat oxen and cows
 ‘on a market day, and all very fat: And though I
 ‘speak of herrings only, lest any should think we
 ‘have little other sorts, we have great plenty of most
 ‘sorts of fish that ever I saw in England; besides
 ‘several other sorts that are not known there; as rocks,
 ‘cat-fish, shads, sheeps-heads, sturgeons; and fowls
 ‘plenty; as ducks, geese, turkies, pheasants, par-
 ‘tridges, and many other sorts that I cannot remember,
 ‘and would be too tedious to mention. Indeed the
 ‘country, take it as a wilderness, is a brave country,
 ‘though no place will please all. But some will be ready
 ‘to say, he writes of conveniencies, but not of incon-
 ‘veniencies: In answer to those, I honestly declare,
 ‘there is some barren land, as (I suppose) there is in
 ‘most places of the world, and more wood than some
 ‘would have upon their lands; neither will the country
 ‘produce corn without labour, nor cattle be got with-
 ‘out something to buy them, nor bread with idleness;
 ‘else it would be a brave country indeed: And I ques-
 ‘tion not, but all then would give it a good word; for
 ‘my part I like it so well, I never had the least thought
 ‘of returning to England, except on the account of
 ‘trade.

MAHLON STACY.’

In a letter to William Cook of Sheffield, and others,
 Stacy wrote thus:

M. Stacy.

‘This is a most brave place; whatever envy or evil
 ‘spies may speak of it, I could wish you all here;
 ‘Burlington will be a place of trade quickly; for here

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'is way for trade: I, with eight more, last winter, bought a good ketch of fifty tons, freighted her out at our own charge, and sent her to Barbados, and so to sail to Saltertugas, to take in part of her lading in salt, and the rest in Barbados goods as she came back; which said voyage she hath accomplished very well, and now rides before Burlington, discharging her lading, and so to go to the West-Indies again; and we intend to freight her out with our own corn. We have wanted nothing since we came hither, but the company of our good friends and acquaintance; all our people are very well, and in a hopeful way to live much better than ever they did; and not only so, but to provide well for their posterity: They improve their lands and have good crops; and if our friends and countrymen come, they will find better reception than we had by far at first, before the country was settled as now it is. I know not one among the people, that desires to be in England again; I mean since settled: I wonder at our Yorkshire people, that they had rather live in servitude, and work hard all the year, and not be three pence the better at the year's end, than stir out of the chimney corner and transport themselves to a place where, with the like pains, in two or three years, they might know better things.

'I never repented my coming hither, nor yet remembered thy arguments and out-cry against New-Jersey with regret. I live as well to my content, and in as great plenty as ever I did, and in a far more likely way to get an estate. Tho' I hear some have thought I was too large in my former, I affirm it to be true; having seen more with mine eyes in this time since, than ever yet I wrote of.^t MAHLON STACY.

'From the Falls of Delaware, in West-New-Jersey, the 26th of the 4th month, 1680.'

Abstract

t. The inhabitants of West-Jersey, had hitherto either pounded their corn or ground it with hand mills; but about this time Olive had built his water mill on his plantation, nigh Rankokas creek; and in this year Stacy finished his mill at Trenton: This last having been rebuilt, continues good: These two were the only mills that ground for the country several of the first years after their arrival.

Abstract of a letter from Daniel Wills to William Biddle, in Bishop's-gate-Street, London.^u.

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' Dear friend,

' Let every man write according to his judgment,
' and this is mine concerning this county; I do really D. Wills.
' believe it to be as good a country as any man need to
' dwell in; and it is much better than I expected
' every way for land I will assure thee; here is as good
' by the judgment of men, as any in England; and
' for my part I like the country so well, and it is so
' pleasant to me, that if I had a good estate in hand in
' England, I should not come to live upon it; for
' through industry here will be all things produced that
' are necessary for a family as in England, and far more
' easy, I am satisfied: When I am walking alone,
' and the sense of the Lord's good dealings is brought
' before me; I cannot but admire him for his mercies,
' and often in secret bless his name, that ever he
' turn'd my face hitherward, and gave me confidence
' in himself, and boldness by faith, to oppose all
' gainsayers; though never so strong: Although then
' I could not say, it seemed so clear to leave the land of
' my nativity, yet now it is to me a certainty, that my
' removal was right, and in what I did, I had peace;
' and in all my exercises by sea and land, I never felt
' the least matter in me, as to desire I had not come
' forward, but rather rejoiced in the midst of all.
' Though my removal was not ordinary, because of
' the largeness of my family, yet blessed be God, all is
' well to our content; if thou heeds every objection, it
' will be work enough: My resolutions were, and my
' sayings to several opposers, that I would come; if
' God hindred me not, no man should. I have writ
' to John Mulliner and Edward Cooper largely, con-
' cerning the country, and refer to that letter. Now
' my near and ancient acquaintance, William and
' Sarah Biddle, my love you may feel beyond expres-
' sion;

^u. William and Sarah Biddle, with their family, removed for West-Jersey, in the summer, 1681.

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'sion ; and if you have clearness to come to New-Jersey,
'let nothing hinder ; but if you have a stop within
'yourselves, let not any thing farther you until the way
'clears to your full satisfaction. In this advice I deny
'myself ; if I might I would forward you to the utmost,
'but I dare not ; if a man cannot live here, I believe
'he can hardly live in any place in the world ; the place
'being, as I thought, set before me, by him who gives
'length of days ; I will wait his good pleasure, and see
'what he will afford me in it. The last ship that came
'to New-York, brought several passengers, some of
'which came to see this country, and liked it well ;
'so dear friends, you may stand against all opposers
'concerning the land, for it is good.

Burlington, 6th of 11th
month, 1679-80.

DANIEL WILLS.'

Though the passengers who had already come to West-Jersey, were well satisfied with the country, things in general answering beyond their expectation ; yet they were under one great inconveniency. We have seen, that the governor of New-York, had very early imposed ten per cent. on all goods imported at the Hoar Kill ; and on exports, something in kind still subsisted ; Five per cent being demanded of the settlers at arrival, or afterwards, at the officer's pleasure ; and that not according to the neat cost of the goods, but upon the foot of the invoice, as shipped in England : This was evidently an arbitrary act ; neither West-Jersey nor the Hoarkill was legally under their jurisdiction ; the settlers from the first complained of the hardship, but bore it with tolerable patience, till about 1680 ; when they had it redressed by the interposition of their friends in England, who applying to the duke of York, he referred the matter to council ; there it rested for a considerable time ; but at last, by the diligence of W. Penn, Geo. Hutchinson, and others, was reported in their favour : Sir John Werden, on the duke's behalf, wrote to have it discontinued.

The

The arguments used against this duty or impost, may be seen by the following.

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‘To those of the duke’s commissioners, whom he has ordered to hear, and make report to him, concerning the customs demanded in New West-Jersey, in America, by his governor of New-York.

‘1st. The king has granted to the duke of York, a tract of land in America, consisting of several Indian countries, with such powers and authorities as are requisite to make laws, and to govern and preserve the territory when planted: But with this restriction twice expressed, and several times referred to, viz. *So always as the said statutes, ordinances, and proceedings, be not contrary, but as near as may be, agreeable to the laws, statutes, and government of this our realm of England.* In another place thus; *And further, it may be lawful for our dearest brother, his heirs and assigns, by these presents, to make, ordain, and establish all manner of orders, laws, directions, instruments, and forms of government, and magistrates fit and necessary for the territory aforesaid: But still with this limitation; so always as the same be not contrary to the laws and statutes of this our realm of England, but as near as may be agreeable thereto.*

Arguments against the customs at the Hoar-kills.

‘2. The duke of York, by virtue of this grant from the king to him, for a competent sum of money, (paid by the lord John Berkely and sir George Carteret) granted and sold to them, a tract of land, called now by the name of New-Cesarea, or New-Jersey; and that in as ample manner as it was granted by the king to the duke.

‘Thus then we come to buy that moiety which belonging to lord Berkeley, for a valuable consideration; and in the conveyance he made us, powers of government are expressly granted; for that only could have induced us to buy it; and the reason is plain, because to all prudent men, the government of any place is more inviting than the soil; for what is good land without good laws; the better the worse:

‘And

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‘And if we could not assure people of an easy and
‘free, and safe government, both with respect to
‘their spiritual and worldly property; that is, an un-
‘interrupted liberty of conscience, and an inviolable
‘possession of their civil rights and freedoms, by a
‘just and wise government,—a meer wilderness would
‘be no encouragement; for it were a madness to leave
‘a free, good and improved country, to plant in a
‘wilderness; and there adventure many thousands of
‘pounds, to give an absolute title to another person
‘to tax us at will and pleasure: This single considera-
‘tion, we hope, will excuse our desire of the govern-
‘ment; not asserted for the sake of power but safety;
‘and that not only for ourselves, but others; that the
‘plantation might be encouraged.

‘3. The lord Berkeley and sir George Carteret, con-
‘sidering how much freedom invites, that they might
‘encourage people to transport themselves into those
‘parts, made and divulged certain concessions, con-
‘taining a model of government: Upon these several
‘went, and are there planted; the country was thus
‘possessed, and the said government uninterruptedly
‘administered by the said lord Berkeley and sir George
‘Carteret, or their deputy, for several years; during
‘which time no custom was demanded.

‘4. We dealt with the said lord Berkeley, upon the
‘sight of these concessions, and the presumption that
‘neither he nor sir George Carteret, would attempt
‘to act any thing they had not power to do; much
‘less, that they or either of them, would pretend to sell
‘a power they never had; since that would not only be
‘a cheat to the people that dealt with them for it, but
‘an high affront to the duke.

‘5. The moiety of New-Cæsarea, or New-Jersey,
‘thus bought of the said lord Berkeley, we dispose of
‘part of our interest to several hundreds of people,
‘honest and industrious; these transport themselves,
‘and with them such household stuff and tools, as are
‘requisite for planters to have: They land at Delaware
‘bay, the bounds of the country we bought; the
‘passage

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'passage God and nature made to it; at their arrival
 'they are saluted with a demand of custom, of five
 'per cent. and that not as the goods may be there
 'worth, but according to the invoice as they cost
 'before shipp'd in England: nor did they take them as
 'they came, but at pick and chose, with some severe
 'language to boot. This is our grievance; and for
 'this we made our application to have speedy redress,
 'not as a burden only, with respect to the quantum or
 'the way of levying it, or any circumstances made
 'hard by the irregularity of the officers, but as a wrong;
 'for we complain of a wrong done us; and ask yet
 'with modesty, quo jure? Tell us the title by what
 'right or law are we thus used; that may a little miti-
 'gate our pain?—Your answer hitherto hath been this,
 "That it was a conquered country; and that the king,
 "being the conqueror, he has power to make laws,
 "raise money, &c. and that this power jure regale, the
 "king hath vested in the duke, and by that right and
 "sovereignty, the duke demands that custom we com-
 "plain of." But suppose the king were an absolute
 'conqueror in the case depending, doth his power
 'extend equally over his own English people, as over
 'the conquered? Are not they some of the letters that
 'make up the word conqueror? Did Alexander con-
 'quer alone, or Caesar beat by himself? No. Shall
 'their armies of countrymen and natives lie at the same
 'mercy as the vanquished, and be exposed to the same
 'will and power with their captive enemies? The Nor-
 'man duke, more a conqueror of England, by his
 'subjection to our laws, and pretence to a title by them,
 'than of heraldry by his arms, used not the compa-
 'nions of his victory so ill: Natural right and humane
 'prudence, oppose such doctrine all the world over;
 'for what is it but to say, that people free by law under
 'their prince at home, are at his mercy in the plan-
 'tations abroad; and why? because he is a conqueror
 'there, but still at the hazard of the lives of his own
 'people, and at the cost and charge of the publick:
 'We could say more, but choose to let it drop. But
 'our

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‘our case is better yet; for the kings grant to the duke
 ‘of York, is plainly restrictive to the laws and govern-
 ‘ment of England, and that more than once, as is
 ‘before expressed. Now the constitution and govern-
 ‘ment of England; as we humbly conceive, are so
 ‘far from countenancing any such authority, as it is
 ‘made a fundamental in our constitution and govern-
 ‘ment, that the king of England cannot justly take his
 ‘subjects goods without their consent: This needs no
 ‘more to be proved, than a principle; ’tis *jus indigene*,
 ‘an home-born right, declared to be law by diverse
 ‘statutes; as in the great charter, ch. 29, and 34 Ed.
 ‘3, ch. 2; again, 25 Ed. ch. 7. Upon this were many
 ‘of the parliament’s complaints grounded; but parti-
 ‘cularly that of the same king’s reign, as is delivered by
 ‘Mat. Westminster, in these words: *z*. To
 ‘give up this (the power of making laws) is to change
 ‘the government, to sell, or rather resign ourselves to
 ‘the will of another; and that for nothing: For under
 ‘favour we buy nothing of the duke, if not the right
 ‘of an undisturbed colonizing, and that as Englishmen
 ‘with no diminution, but expectation of some increase
 ‘of those freedoms and privileges enjoyed in our own
 ‘country; for the soil is none of his, ’tis the natives, by
 ‘the *Jus gentium*, by the law of nations; and it would
 ‘be an ill argument to convert to christianity, to expel
 ‘instead of purchasing them out of those countries:
 ‘If then the country be theirs, it is not the duke’s;
 ‘he cannot sell it; then what have we bought? We
 ‘are not unanswered in this point, and desire you to
 ‘do it with all due regard to the great honour and
 ‘justice of the duke: If it be not the right of colo-
 ‘nizing there, which way have we our bargain, that
 ‘pay an arbitrary custom, neither known to the laws
 ‘of England, nor the settled constitution of New-
 ‘York, and those other plantations? To conclude this
 ‘point

z. The manuscript copy whence this is taken, is here defaced:
 It contains a number of authorities from Bracton, Fortesque, the
 petition of right, &c

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‘point, we humbly say, that we have not lost any part
 ‘of our liberty, by leaving our country; for we leave
 ‘not our king, nor our government, by quitting our
 ‘soil; but we transplant to a place given by the same
 ‘king, with express limitation to erect no polity con-
 ‘trary to the same established government, but as near
 ‘as may be to it; and this variation is allowed but for
 ‘the sake of emergencies; and that latitude bounded
 ‘with these words, *for the good of the adventurer and*
 ‘*planter*; which that exaction of custom can never be:
 ‘In that it not only varies to the discouragement and
 ‘prejudice of the planter, but contradicts his native
 ‘laws, rights and liberties, and lays a foundation for
 ‘another sort of government than that which was only
 ‘known to his fathers; unto the just defence of which
 ‘he is engaged by nature and municipal laws: So far
 ‘the point of law.

‘We shall now insist upon the equity of our
 ‘case; First, This very tax of five per cent. is a
 ‘thing not to be found in the duke’s conveyances,
 ‘but an after-business; a very surprize to the planter!
 ‘and such an one, as could they have foreseen, they
 ‘would have sooner taken up in any other plantation
 ‘in America. In the next place,

‘2. New-Jersey never paid custom before last
 ‘peace, and that peace re-invests every proprietor by
 ‘articles. Now we bought it when free, since which
 ‘time this imposition is born; must we be subjected to
 ‘the payment of one tax, of greater value than the
 ‘country? This in plain English, is under another
 ‘name, paying for the same thing twice over; nay,
 ‘had the soil been purchased of the Indians, by those
 ‘of whom we bought it, and given us; it had been
 ‘dearly accepted, upon this condition, and with this
 ‘incumbrance; but it was bought by us, and that for
 ‘a valuable consideration here; and is now purchased
 ‘again of the natives there too; this makes our case
 ‘extreme hard, and we pray relief.

‘3. Custom in all governments in the world, is laid
 ‘upon trade, but this upon planting is unprecedented:
 ‘Had

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‘Had we brought commodities so these parts to sell,
 ‘made profit out of them, and returned to the advan-
 ‘tage of traders; there had been some colour or pre-
 ‘tence for this exaction; but to require and force a
 ‘custom from persons for coming to their property,
 ‘their own terra firma, their habitations; in short,
 ‘for coming home, is without a parallel; this is pay-
 ‘ing custom not for trading, but landing; not for
 ‘merchandizing, but planting; in very deed for
 ‘hazarding; for there we go; carry over our families
 ‘and estates; adventure both for the improvement of
 ‘a wilderness, and are not only told we must pay here-
 ‘after out of our gains and improvements, but must
 ‘pay out of our poor stock and principal, (put into
 ‘goods) five pounds in the hundred; and not as they
 ‘are there worth, but as they here cost; and this for
 ‘coming to plant: So that the plain English of the
 ‘tragedy is this; we twice buy this moiety of New-
 ‘Jersey, first of lord Berkeley, and next of the natives;
 ‘and what for? the better to mortgage ourselves and
 ‘posterity to the duke’s governors, and give them a
 ‘title to our persons and estates, that never had any
 ‘before: But pray consider, can there be a house
 ‘without a bottom; or a plantation before a people?
 ‘if not, can there be a custom before a trade? Thus
 ‘much for the equitable part of our plea; the next
 ‘and last, is the prudential: We do offer several things
 ‘in point of prudence, why the duke should desist
 ‘from the exaction: First, there can be no benefit to
 ‘a prince in America, there can be no trade, without
 ‘a people; there will be no people where there is no
 ‘encouragement; nor can there be any encouragement
 ‘where people have not greater privileges by going
 ‘than staying; for if their condition be not meliorated,
 ‘they will never forego the comfort of their kindred
 ‘they must leave behind them, nor forsake their
 ‘native country, run the hazard of the seas; nor
 ‘lastly, expose themselves to the wants and difficul-
 ‘ties of a wilderness; but on the contrary, if they
 ‘have less privileges there than at home, ’tis every
 ‘way

'way to worst themselves to go; for they do not only
 'pay custom here for going, but there for arriving;
 'which is not done in any other plantation, even when
 'our men go to merchandizé and not to plant, which
 'is our case: Besides there is no end of this power;
 'for since we are by this precedent, assessed without
 'any law, and thereby excluded our English right of
 'common assent to taxes; what security have we of
 'any thing we possess? we can call nothing our own,
 'but are tenants at will, not only for the soil but for
 'all our personal estates; we endure penury and the
 'sweat of our brows, to improve them at our own
 'hazard only: This is to transplant, not from good
 'to better, but from good to bad; this sort of conduct
 'has destroyed government, but never raised one to
 'any true greatness; nor ever will in the duke's terri-
 'tories, whilst so many countries equally good in soil
 'and air, surrounded with greater freedom and secu-
 'rity: Whereas if the duke please to make all planters
 'easy and safe in their liberty and property, such a
 'just and free government will draw in other places,
 'encourage persons to transplant into his country, and
 'his disbursements will soon be at an end; his revenues,
 'with satisfaction to the people, presently visibly
 'augmented: Next this encouragement shipping and
 'seamen, which not only takes off abundance of idle
 'people, but our native growth and manufacture, and
 'the export of them; and the import of the produce
 'of these plantations, in a little time overflow and
 'advance the revenue of the crown: Virginia and
 'Barbados are proofs undeniable in the case.

'Lastly, the duke's circumstances, and the people's
 'jealousies considered, we humbly submit it, if there
 'can be in their opinion, a greater evidence of a design
 'to introduce an unlimited government, than both to
 'exact such an uninterminated tax from English planters,
 'and to continue it after so many repeated complaints;
 'and on the contrary, if there can be any thing so
 'happy to the duke's present affairs, as the oppor-
 'tunity he hath to free that country with his own hand,
 'and

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‘and to make us all owners of our liberty, to his favour
‘and justice: So will Englishmen here know what to
‘hope for, by the justice and kindness he shews to
‘Englishmen there; and all men to see the just model of
‘his government in New-York, to be the scheme and
‘draught in little, of his administration in Old England
‘at large, if the crown should ever devolve upon his
‘head. The conclusion is this, that for all these reasons
‘in law, equity and prudence, alledged; you would
‘please to second our request to the duke, that like
‘himself, he would void this taxation, and put the
‘country in such an English and free condition, that
‘he may be as well loved and honoured, as feared by all
‘the inhabitants of his territory; that being great
‘in their affections, he may be great by their industry;
‘which will yield him that wealth, that parent of
‘power, that he may be as great a prince by property
‘as by title.’

That this custom was now taken off, will, among
other things, appear by the following letter from
Samuel Jenings,^y directed to William Penn, Edward
Byllinge, or Gawen Lawrie.

‘Dear friends,

Jenings to
Penn, &c.

‘This may give you an account of mine and my
‘families safe arrival in New-Jersey, with all the rest
‘that came with us. I might say something concern-
‘ing our passage at sea, but I wave it for want of
‘time, and in fine may observe all was well; for
‘which I bless God; and the Lord keep us all sensible
‘of it, with the rest of his mercies forever.

‘Dear friends, about six weeks since, we arrived in
‘Delaware river, where I expected to have met with a
‘combat, in the denial of customs: In our passage at
‘sea, I had communicated to all that had any conside-
‘rable cargo on board, the opinion of council, con-
‘cerning the illegal demand thereof, with what else I
‘thought

^y. He with his family, removed from Coles hill, the upper side
of the county of Bucks, about the third month, 1680.

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‘thought might be for their information; which thus
 ‘far prevailed, that most if not all concerned, seemed
 ‘resolved to deny the paying of custom here; having paid
 ‘all the king’s duties in England. In good time we
 ‘came to anchor in Delaware, where one Peter Alrick
 ‘came aboard, and brought a handsome present to our
 ‘commander, and sent for me into the round-house,
 ‘where they both were, and Peter told me he had
 ‘nothing to say to us relating to customs;^z he had no
 ‘commission for it, nor did he know of any body that
 ‘had; so we had all our goods safely landed after this
 ‘unexpected easy manner.

‘In pursuance of the trust committed to me after my
 ‘arrival, I acquainted those nominated in the commis-
 ‘sion with me of it; but in a short time after I received
 ‘your letters, giving an account of a new grant obtained,
 ‘wherein the customs are taken off, a free port con-
 ‘firmed, and the government settled on Edward Byl-
 ‘linge; which I doubt not will be very acceptable to
 ‘every honest man; but as yet I have not had time to
 ‘let the people in general know it: And now seeing
 ‘the ports are made legally free, and the government
 ‘settled, I would not have any thing to remain as a
 ‘discouragement to planters: Here are several good
 ‘and convenient settlements already, and here is land
 ‘enough and good enough for many more.

New-Jersey, the 17th of)
 October, 1680. f

SAMUEL JENINGS.

z. He used to collect the customs.



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CHAP. VIII.

The first form of government in West-Jersey, under the proprietors: The first laws they made: The method of regulating land affairs; and a further account of the Indians found in the first settled part of these provinces.

Jenings
deputy
governor.

THE western part of New-Jersey, was now become populous, by the accession of many settlers. Jennings, who arrived last year, about this time, received a commission from Byllinge, (whom the proprietors in England, as mentioned before, had chosen governor) to be his deputy: He called an assembly, and with them agreed upon certain fundamentals of government, as follows.

‘Province of West-New-Jersey, in America, the 25th of the 9th month called November, 1681.

Funda-
mentals.

‘Forasmuch as it hath pleased God to bring us into this province of West-New-Jersey, and settle us here in safety, that we may be a people, to the praise and honour of his name, who hath so dealt with us, and for the good and wellfare of our posterity to come: We, the governor and proprietors, freeholders and inhabitants of West-New-Jersey, by mutual consent and agreement, for the prevention of innovations and oppression, either upon us, or our posterity, and for the preservation of the peace and tranquility of the same; and that all may be encouraged to go on cheerfully in their several places; we do make and constitute these our agreements, to be as fundamentals to us, and our posterity, to be held inviolable; and that no person or persons whatsoever, shall or may make void or disannul the same, upon any pretence whatsoever.

‘1. That there shall be a general free assembly for the province aforesaid, yearly and every year, at a day certain

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‘certain, chosen by the free people of the said province,
 ‘whereon all the representatives for the said province
 ‘shall be summoned to appear, to consider of the
 ‘affairs of the said province, and to make and ordain
 ‘such acts and laws as shall be requisite and necessary
 ‘for the good government and prosperity of the free
 ‘people of the said province; and (if necessity shall
 ‘require) the governor for the time being, with the
 ‘consent of his council, may and shall issue out writs
 ‘to convene the assembly sooner, to consider and
 ‘answer the necessities of the people of the said pro-
 ‘vince.

‘2. That the governor of the province aforesaid,
 ‘his heirs or successors, for the time being, shall not
 ‘suspend or defer the signing, sealing and confirm-
 ‘ing of such acts and laws as the general assembly
 ‘(from time to time to be elected by the free people of
 ‘the province aforesaid) shall make or enact for the
 ‘securing of the liberties and properties of the said
 ‘free people of the province aforesaid.

‘3. That it shall not be lawful for the governor of
 ‘the said province, his heirs or successors, for the time
 ‘being, and council, or any of them, at any time or
 ‘times hereafter, to make or raise war upon any ac-
 ‘count or pretence whatsoever, or to raise any military
 ‘forces within the province aforesaid; without the
 ‘consent and act of the general free assembly, for the
 ‘time being.

‘4. That it shall not be lawful for the governor of
 ‘the said province, his heirs or successors, for the time
 ‘being, and council, or any of them, at any time or
 ‘times hereafter, to make or enact any law or laws
 ‘for the said province, without the consent, act and
 ‘concurrence of the general assembly: And if the
 ‘governor for the time being, his heirs or successors,
 ‘and council, or any of them, shall attempt to make
 ‘or enact any such law or laws, of him or themselves,
 ‘without the consent, act and concurrence of the
 ‘general assembly: that from thenceforth, he, they,
 ‘or so many of them, as shall be guilty thereof, shall
 ‘upon

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‘upon legal conviction, be deemed and taken for
‘enemies to the free people of the said province;
‘and such act so attempted to be made, to be of no
‘force.

‘5. That the general free assembly, from time to
‘time, to be chosen as aforesaid, as the representatives,
‘of the people, shall not be prorogued or dissolved,
‘before the expiration of one whole year, to com-
‘mence from the day of their election, without their
‘own free consent.

‘6. That it shall not be lawful for the governor of
‘the said province, his heirs or successors, for the time
‘being, and council, or any of them, to levy or raise
‘any sum or sums of money, or any other tax whatso-
‘ever; without the act, consent and concurrence of
‘the general Assembly.

‘7. That all officers of state or trust, relating to the
‘said Province, shall be nominated and elected by the
‘general free assembly for the time being, or by their
‘appointment; which officer and officers, shall be
‘accountable to the general free assembly, or to such as
‘the said assembly shall appoint.

‘8. That the governor of the province aforesaid,
‘his heirs or successors, for the time being, or any of
‘them, shall not send ambassadors, or make treaties,
‘or enter into alliances, upon the public account of the
‘said province, without the consent of the said general
‘free assembly.

‘9. That no general free assembly hereafter to be
‘chosen by the free people of the province aforesaid,
‘shall give to the governor of the said Province for the
‘time being, his heirs or successors, any tax or custom
‘for longer time than for one whole year.

‘10. That liberty of conscience, in matters of faith
‘and worship towards God, shall be granted to all
‘people within the province aforesaid, who shall live
‘peaceably, and quietly therein; and that none of the
‘free people of the said province, shall be rendered un-
‘capable of office in respect of their faith and worship.

‘ Upon

‘Upon the governor’s acceptance and performance
 ‘of the proposals herein before expressed, we the ge-
 ‘neral free assembly, proprietors and freeholders of
 ‘the province of West New-Jersey aforesaid, do accept
 ‘and receive Samuel Jenings, as Deputy Governor.
 ‘In testimony whereof I have hereunto put my hand
 ‘and seal, the day and year above written,

‘Samuel Jenings, Deputy Governor.

Subscribed also ‘Thomas Olive, Speaker.’

This assembly was held from the 21st till the 28th of November, and passed six and thirty laws (beside the Laws. above) many of which were repealed in a few years afterwards: Some of them were in substance,---That it should be the business of the governor and commissioners to see that all courts executed their offices, and to punish such officers as should violate the laws:---That lands legally taken up and held, planted and possessed seven years, should not be subject to alteration: ---That all officers of trust should subscribe to do equal right and justice:---That no person should be condemned or hurt, without a trial of twelve men: and that in criminal cases, the party arraigned to except against thirty-five, or more upon valid reasons:---That in every court, three justices or commissioners at least, to sit and assist the jury, in cases of law: and pronounce the judgment of the jury:---That false witnesses be fined, and disabled from being after admitted in evidence, or into any public office in the province: ---That persons prosecuting for private wrong (murder treason and theft excepted) might remit the penalty or punishment either before or after condemnation: ---That juries should be summoned by the sheriff, and none be compelled to fee an attorney to plead his cause:---That all wills should be first proved and registered, and then duly performed:---That upon persons dying intestate, and leaving a wife and child,

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or children, the governor and commissioners for the time being, were to take security, that the estate should be duly administered, and the administrator to secure two thirds for the child or children, the other to the widow; where there was no children, one moiety or half the estate, was to go to the next of kin, the other half to the widow; always provided, such estate exceeded one hundred pounds; otherwise the widow to have the whole; and in cases of leaving children, and no provision, the charge of bringing them up, to be paid out of the public stock:----That felons should make restitution four fold, or as twelve of the neighbourhood should determine; and such as hurt or abuse the person of any, be punished according to the nature of the offence:-----That whosoever presumed, directly or indirectly, to sell any strong liquors, to any Indian or Indians, should forfeit for every such offence, the sum of three pounds:---That ten men from Burlington, and ten from Salem, should be appointed to lay out and clear a road from Burlington to Salem, at the public expence:--That two hundred pounds should be equally levied and appropriated for the charges of government, upon the several tenths, twenty pounds each; every man to be assessed according to his estate; and all handicrafts, merchants and others, at the discretion of the assessors: Persons thinking themselves aggrieved, had the liberty of appealing to the commissioners of the tenth they belonged to. These and other laws agreed on, the commissioners next fixed the following method for regulation of lands.

‘The methods of the commissioners for settling and
‘regulation of lands.

Regulation
of lands.

‘We whose names are hereunder written, commissioners nominated, elected and chosen by the general
‘free assembly, proprietors and freeholders of the
‘province

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‘ province of West-New-Jersey, the 23d day of No-
 ‘ vember last past, for the settling and regulating of
 ‘ lands, and other concerns within the said province; do
 ‘ by and with the approbation and consent of the
 ‘ governor of the said province, and council, in pur-
 ‘ suance of the said trust in us reposed, hereby fully
 ‘ agree upon these rules and methods herein after fol-
 ‘ lowing: (that is to say)

‘ 1. That the surveyor shall measure the front of the
 ‘ river Delaware, beginning at Assumpink creek, and
 ‘ from thence down to Cape May, that the point of
 ‘ the compass may be found for the running the parti-
 ‘ tion lines betwixt each tenth.

‘ 2. That each and every tenth, or ten proprieties,
 ‘ shall have their proportion of front to the river Dela-
 ‘ ware, and so far back into the woods as will make or
 ‘ contain sixty-four thousand acres for their first settle-
 ‘ ment, and for the sub-dividing the Yorkshire and
 ‘ London two tenths.

‘ 3. To allow three thousand and two hundred acres
 ‘ where the parties concerned please to chuse it within
 ‘ their own tenth; to be taken up according to the rules
 ‘ or methods following, viz. One eighth part of a pro-
 ‘ priety, and so for smaller parts, to have their full pro-
 ‘ portion of the said land in one place (if they please)
 ‘ and greater purchasers or shares not to exceed five
 ‘ hundred acres, to one settlement.

‘ 4. All lands so taken up and surveyed, shall be
 ‘ seated within six months after it is so taken up; and
 ‘ if the same shall not be seated within the said time,
 ‘ then such choice and survey shall be void, and the
 ‘ same lands shall be free for any other purchaser to
 ‘ take up; provided he or they so taking up the same,
 ‘ do, or shall seat it, within one month after it is so
 ‘ taken up.

‘ 5. That no person or persons shall take up lands
 ‘ on both sides of a creek, to one settlement, except
 ‘ the commissioners for the time being, shall see good
 ‘ cause for their so doing.

‘ 6. That

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‘6. That no person or persons shall have more than
‘forty perches front to the river, or navigable creek,
‘for each and every one hundred acres, except it fall
‘upon a point, so that it cannot otherwise be avoided;
‘and in such cases it shall be left to the discretion of
‘the commissioners then for the time being.

‘7. That all lands be laid out on straight lines, that
‘no vacancies be left between lands, but that they be
‘joined one seat to another, except the commissioners
‘then for the time being, shall for good causes order it
‘otherwise.

‘8. That all persons shall take their just proportions
‘of meadow, which shall be laid forth at the discretion
‘of the commissioners then for the time being.

‘9. That all persons who are already seated, shall
‘have liberty to make his settlement his choice, if he
‘please; provided he or they observe and follow the
‘rule or method herein prescribed.

‘10. That every proprietor shall have four hundred
‘acres to a propriety, and so proportionably to lesser
‘quantities for their town lot, over and above their
‘aforesaid three thousand two hundred acres; which
‘may be taken any where within their own tenth,
‘either within or without the town bounds.

‘11. That no person or persons who have already
‘taken up a town lot, shall have liberty to leave it, and
‘take a lot elsewhere, but shall keep the same he hath
‘taken up, as his town lot.

‘12. That Thomas Wright shall keep his settlement,
‘containing four hundred acres: and that the commis-
‘sioners for Yorkshire side, shall allow to the town
‘bounds, three hundred acres, to be taken up adjoining
‘to the town bounds, on Lazy Point, in lieu thereof.

‘13. That no purchaser shall take up more land
‘within the town bounds, than belongs to his town lot,
‘by virtue of his purchase.

‘14. That no person or persons (who are not pur-
‘chasers to whom town lot or lots are given) shall dis-
‘pose of, or sell his or their said lot or lots of land,
‘from

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‘from their house or houses respectively; and that if
 ‘any such person or persons as aforesaid, shall dispose
 ‘of, or sell such said lot or lots apart from his or their
 ‘said house or houses, then such said sale of lot or lots
 ‘shall be void and of no effect; and the same lot or
 ‘lots shall from thence become forfeit, to the use of
 ‘the town of Burlington, to be disposed of therein,
 ‘at the discretion of the commissioners then for the
 ‘time being.

‘15. That no person or persons from hence for-
 ‘ward, shall take up any land, without special order
 ‘from two or more of the commissioners for the time
 ‘being, first had and obtained.

‘16. That all and every settlement and settlements
 ‘already made, which are not consonant and agreeable
 ‘to the rules and methods aforesaid, shall be liable to
 ‘regulation, according to the said rules and methods.

‘17. That the proprietors who are yet remaining
 ‘in England, shall have notice, that we find it necessary
 ‘for the speedy settlement of this province, and for
 ‘the interest of all concerned therein, to allow to every
 ‘propriety as aforesaid, three thousand two hundred
 ‘acres for our first choice; and in case much people
 ‘shall come, as may be reasonably expected, who have
 ‘purchased no land in England, and desire to settle
 ‘amongst us; that then we reserve liberty to take up
 ‘so much land more as shall fall to every propriety,
 ‘not exceeding five thousand and two hundred acres,
 ‘which was allowed to us for our first settlement:
 ‘Provided nevertheless, that none shall take up any
 ‘proportion of land, but as they shall settle it, or
 ‘cause it to be settled; which is to be done after the
 ‘aforesaid three thousand two hundred acres shall be
 ‘justly taken up and settled.

‘18. That all publick highways shall be set forth,
 ‘at any time or times hereafter, at the discretion of
 ‘the commissioners for the time being, in or through
 ‘any lands taken up, or to be taken up; allowing the
 ‘owners of such lands where such publick highways
 shall

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‘ shall be laid forth, reasonable satisfaction at the discretion of the commissioners, in lieu thereof.

‘ 19. Yet nevertheless, it is hereby commended and agreed by the authority aforesaid, that the rules and methods herein before agreed on, shall not make void or disannul, all or any settlement or settlements heretofore made, in the Yorkshire tenth, who have seated according to a former agreement, viz. Not having taken up more than fifty perches for each and every hundred acres on the river or navigable creek, and having kept their due breadth and bounds from the river or creek.

‘ Signed and sealed the 5th December, 1681, by Samuel Jennings, governor, Thomas Olive, Thomas Budd, Robert Stacy, Benjamin Scott, Thomas Gardiner, Daniel Wills, Mahlon Stacy, Thomas Lambert.

‘ 20. That all persons who have already taken up any lands, within the first and second tenth in this province, shall bring in their deeds or writings, to shew their title to such lands as they have taken up, to Benjamin Scott, Robert Stacy, Thomas Budd, and Thomas Gardiner, on or before the twelfth day of this instant January, next ensuing the day of the date hereof.

‘ 21. That all person or persons hereafter to take up land within the said first and second tenth, shall first make application to the said Benjamin Scott, Robert Stacy, Thomas Budd, and Thomas Gardiner, or any two of them; and shall also before the said commissioners solemnly declare and aver, upon the penalty of the law of perjury, to pass against them, that the quantity or portion of land contained in their respective Deeds or other Writings, do really and in good conscience, belong and appertain to him or them so requiring a warrant or warrants, for laying forth his or their land; so as the said commissioners may be thereby satisfied with the justness of his or their title thereto; then, and not before, the said commissioners,
‘ or

‘or any two of them, shall and may grant out a
 ‘warrant to the surveyor or his deputy, to lay out and
 ‘survey the respective proportion of land to him or
 ‘them due and appertaining as aforesaid; enjoining
 ‘the surveyor or his deputy, to make return of his
 ‘said warrant and survey, at the next court after such
 ‘warrant granted, to be held at Burlington; that the
 ‘same may be registered by order of the said court.

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‘22. That all proprietors and purchasers, within
 ‘the said first and second tenths, shall and may have
 ‘liberty to take his and their full proportions of land
 ‘as before within is agreed upon, of the first and second
 ‘choice in one place; provided he or they so doing
 ‘take not up more than five hundred acres of land in
 ‘one settlement.

‘Witness our hands and seals, the 14th day of the
 ‘eleventh month, 1681.

SAMUEL JENINGS, Governor.
 THOMAS OLIVE,
 ROBERT STACY,
 THOMAS BUDD,
 DANIEL WILLS,
 THOMAS GARDINER,
 BENJAMIN SCOTT.

It would be vain to pretend to give a particular
 account of all the different tribes or nations of Indians
 that inhabited these provinces before the Europeans
 came among them, there being probably a tribe in
 some parts, for every ten or twenty miles, which were
 commonly distinguished by the names of creeks or other
 noted places where they resided; thus, there were the
 Assunpink,^z the Rankokas,^a the Mingo,^b the
 Andastaka,

^z *Stony Creek.* ^a *Lamikas*, or Chicheguas, was the proper
 Indian name; they did not pronounce the *r* at all.

^b Indian knowledge about the weather were received topicks
 of conversation; some of their maxims have been found as gene-
 rally true, as things of that kind commonly are. If Jacob Taylor's
 intelligence

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Andastaka, the Neshaminc, and the Shackamaxon Indians; and those about Burlington were called the Mantas;^c but these and others were all of them distinguished from the back Indians, who were a more warlike people, by the general name of the Delawares: The nations most noted from home, that sometimes inhabited New-Jersey, and the first settled parts of Pennsylvania, were the Naraticongs, on the North side of Rariton River, the Capitanasses, the Gacheos, the Munseys, the Pomptons, the Senecas and the Maquaas;^d this last was the most numerous and powerful: Different nations were frequently at war with each other, of which husbandmen sometimes find remaining marks in their fields: A little below the falls of Delaware on the Jersey side; at Point-no-point in Pennsylvania, and several other places, were banks that have been formerly thrown up
for

intelligence be right, they also *predicted*: A sachem of this tribe (he says) being observed to look at the great comet, which appeared the first of October 1680, and asked, what he thought was the meaning of that prodigious appearance? answered gravely, *It signifies that we Indians shall melt away, and this country be inhabited by another people.* How this Indian came by his knowledge without the learned Whiston's astronomical tables, or whether he had any knowledge, is not so material. He will however be allowed as good a right to pretend to it, when the event is considered, as the other had in his conjectures concerning the cause of Noah's flood: This at least till the regularity of the comets motions are better known. But we see greater names have had their prognosticating sentiments concerning them. Hence Dr. Young in his paraphrase on that chapter of Job, where the almighty challenges the patriarch on the weakness of man,

Who drew the comet out to such a size
And pour'd his flaming train o'er half the skies?
Did thy resentment hang him out, does he
Glare on the nations, and denounce from thee?

c. *Frogs*, a creek or two in Gloucester county, are called *Manta* or *Mantau*, from a larger tribe that resided there; the Indians were probably both of the same Stock.

d. The *Five Nations* before the sixth was added; but few of these had their residence in New-Jersey: They are supposed to have been sometimes in fishing seasons among the others here; the Dutch called them Mahakuase.

for intrenchments, against incursions of the neighbouring Indians, who in their canoes used sometimes to go in warlike bodies from one province to another.

It was customary with the Indians of West-Jersey, when they buried their dead, to put family utensils, bows and arrows, and sometimes money (wampum) into the grave with them; as tokens of their affection. When a person of note died far from the place of his own residence, they would carry his bones to be buried there; they washed and perfumed the dead, painted the face, and followed singly; left the dead in a sitting posture, and covered the grave pyramidically: They were very curious in preserving and repairing the graves of their dead, and pensively visited them; did not love to be asked their judgment twice about the same thing: They generally delighted in mirth; were very studious in observing the virtues of roots and herbs, by which they usually cured themselves of many bodily distempers, both by outward and inward applications: They besides frequently used sweating, and the cold bath.^e They had an aversion to beards, and would not suffer them to grow; but pluck'd the hair out by the roots: The hair of their heads was black, and generally shone with bear's fat, particularly that of the women, who tied it behind in a large knot; sometimes in a bag. They called persons and places, by the names of things remarkable, or birds, beasts, and fish; as *Per-hala*, a duck; *Cau-hawuk*, a goose; *Quink-Quink*, a tit; *Pulluppa*, a buck; *Shingas*, a wild-cat; and they
observed

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Indian
customs.

^e. The manner was to first inclose the patient in a narrow cabin, in the midst of which was a red hot stone, this frequently wet with water, occasioned a warm vapour; the patient sufficiently wet with this and his own sweat, was hurried to the next creek or river, and plunged into it; this was repeated as often as necessary, and sometimes great cures performed. But this rude method at other times killed, notwithstanding the hardy natures of the patients; especially in the small pox and other European disorders.

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observed it as a rule, when the rattle-snake gave notice by his rattle before they approach'd, not to hurt him; but if he rattled after they had pass'd, they immediately return'd and kill'd him. They were very loving to one another; if several of them came to a christian's house, and the master of it gave one of them victuals and none to the rest, he would divide it into equal shares amongst his companions; if the christians visited them, they would give them the first cut of their victuals; they would not eat the hollow of the thigh of any thing they killed. Their chief employment was hunting, fishing, and fowling; making canoes, bowls, and other wooden and earthen ware; in all which they were, considering the means, ingenious: In their earthen bowls they boiled their water. Their women's business chiefly consisted in planting Indian corn, parching or roasting it, pounding it to meal in mortars, or breaking it between stones, making bread, and dressing victuals; in which they were sometimes observed to be very neat and cleanly, and sometimes otherwise: They also made mats, ropes, hats and baskets, (some very curious) of wild hemp and roots, or splits of trees: Their young women were originally very modest and shame-faced, and at marriageable ages distinguished themselves with a kind of work'd mats, or red or blue bays, interspersed with small rows of white and black wampum, or half rows of each in one, fastened to it, and then put round the head, down to near the middle of the forehead: Both young and old women would be highly offended at indecent expressions, unless corrupted with drink. The Indians would not allow of mentioning the name of a friend after death: They sometimes streaked their faces with black, when in mourning; but when their affairs went well, they painted red: They were great observers of the weather by the moon; delighted in fine cloaths; were punctual in their bargains, and observed this so much in others, that it was very difficult for a person who

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who had once failed herein, to get any dealings with them afterwards. In their councils they seldom or never interrupted or contradicted one another, till two of them had made an end of their discourse; for if ever so many were in company, only two must speak to each other, and the rest be silent till their turn: Their language was high, lofty, and sententious: Their way of counting was by tens, that is to say, two tens, three tens, four tens, &c. when the number got out of their reach, they pointed to the stars, or the hair of their heads. They lived chiefly on maize, or Indian corn roasted in the ashes, sometimes beaten and boiled with water, called homine; they also made an agreeable cake of their pounded corn; and raised beans and pease; but the woods and rivers afforded them the chief of their provisions: They pointed their arrows with a sharpened flinty stone, and of a larger sort, with withs for handles, cut their wood; both of these sharpened stones are often found in the fields. Their times of eating were commonly morning and evening; their seats and tables the ground: They were naturally reserved, apt to resent, to conceal their resentments, and retain them long; they were liberal and generous, kind and affable to the English: They were observed to be uneasy and impatient in sickness for a present remedy, to which they commonly drank a decoction of roots in spring water, forbearing flesh, which if they then eat at all, it was of the female. They took remarkable care of one another in sickness, while hopes of life remained; but when that was gone, some of them were apt to neglect the patient. Their government was monarchical and successive, and mostly of the mother's side, to prevent a spurious issue.^f They commonly

^f That is, the children of him now king, will not succeed, but his brother by the mother, or children of his sister, whose sons (and after them the male children of her daughters) were to reign; for no woman inherited.

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commonly washed their children in cold water as soon as born; and to make their limbs straight, tied them to a board, and hung it to their backs when they travelled; they usually walked at nine months old: Their young men married at sixteen or seventeen years of age, if by that time they had given sufficient proof of their manhood, by a large return of skins: The girls married about thirteen or fourteen, but stay'd with their mothers to hoe the ground, and bear burthens, &c. for some years after marriage: The women, in travelling, generally carried the luggage: The marriage ceremony was sometimes thus; the relations and friends being present, the bridegroom delivered a bone to the bride, she an ear of Indian corn to him, meaning that he was to provide meat, she bread: It was not unusual notwithstanding, to change their mates upon disagreement; the children went with the party that loved them best, the expence being of no moment to either; in case of difference on this head, the man was allowed the first choice if the children were divided or there was but one. Very little can be said as to their religion; much pains were taken by the early christian settlers, and frequently since, to inform their judgments respecting the use and benefit of the christian revelation, and to fix restraints; but generally with unpromising success, tho' instances have now and then happened to the contrary: They are thought to have believed in a God and immortality, and seemed to aim at publick worship; when they did this, they sometimes sat in several circles one within another; the action consisted of singing, jumping, shouting and dancing; but mostly performed rather as something handed down from their ancestors, than from any knowledge or inquiry into the serious parts of its origin: They said the great king that made them, dwelt in a
glorious

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glorious country to the southward, and that the spirits of the best should go there and live again: Their most solemn worship was the sacrifice of the first fruits, in which they burnt the first and fattest buck, and feasted together upon what else they had collected; but in this sacrifice broke no bones of any creature they eat; when done, they gathered and buried them very carefully; these have since been frequently ploughed up: They distinguished between a good and evil man-*etta*, or spirit; worshiped the first for the good they hoped; and some of them are said to have been slavishly dark in praying to the last for deprecation of evils they feared; but if this be true in a general sense, some of the tribes much conceal'd it from our settlers: They did justice upon one another for crimes among themselves, in a way of their own; even murder might be attoned for by feasts, and presents of wampum; the price of a woman kill'd was double, and the reason, because *she* bred children, which men could not do.—If sober they rarely quarrell'd among themselves; they lived to sixty, seventy, eighty, and more, before rum was introduced, but rarely since: Some tribes were commendably careful of their aged and decrepid, endeavouring to make the remains of life as comfortable as they could; it was pretty generally so, except in desperate decays; then indeed as in other cases of the like kind, they were sometimes apt to neglect them. Strict observers of property, yet to the last degree, thoughtless and inactive in acquiring or keeping it: None could excel them in liberality of the little they had, for nothing was thought too good for a friend; a knife, gun, or any such thing given to one, frequently passed through many hands: Their houses or wig-wams were sometimes together in towns, but mostly moveable, and occasionally fixed near a spring or other water, according to the conveniencies for hunting, fishing, basket making, or other business of that sort and built with poles laid on forked sticks in the

the

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the ground, with bark, flags or bushes on the top and sides, with an opening to the south, their fire in the middle;^g at night they slept on the ground with their feet towards it; their cloathing was a coarse blanket or skin thrown over the shoulder, which covered to the knee, and a piece of the same tied round their legs, with part of a deer skin sewed round their feet for shoes; as they had learned to live upon little, they seldom expected or wanted to lay up much:^h They were also moderate in asking a price for any thing they had for sale: When a company travelled together, they generally followed each other in silence, scarcely ever two were seen by the side of one another; in roads the man went before with his bow and arrow, the woman after, not uncommonly with a child at her back, and other burdens besides; but when these were too heavy, the man assisted. To know their walks again, in unfrequented woods, they heaped stones or marked trees.

In person they were upright, and strait in their limbs, beyond the usual proportion in most nations; their bodies were strong, but of a strength rather fitted to endure hardships than to sustain much bodily labour, very seldom crooked or deformed; their features regular; their countenances sometimes fierce, in common rather resembling a jew than christian; the colour of their skin a tawny reddish brown; the whole
fashion

^g From the years 1300 to 1500, in the towns of France, Germany, and England, they had scarce any but thatched houses; and the same might be said of the poorer towns in Italy: And altho' those countries were over-run with woods, they had not as yet learned to guard against the cold, by the means of chimneys, (the kitchen excepted) an invention so useful and ornamental to our modern apartments. The custom then was, for the whole family to sit in the middle of a smoaky hall, round a large stove, the funnel of which passed through the ceiling. *Anderson's hist. and chronological deduction of commerce.*

^h Sir William Temple somewhere says, an Indian once put the question to a christian, to give him a reason, why he should labour hard all his days to make his children idle all theirs?

fashion of their lives of a piece; hardy, poor and squalid:ⁱ When they began to drink, they commonly continued it as long as the means of procuring it lasted. In drink they often lay exposed to all the inclemencies of weather, which introduced a train of new disorders among them: They were grave, even to sadness upon any common, and more so upon serious occasions; observant of those in company, and respectful to the old; of a temper cool and deliberate; never in haste to speak, but waited for a certainty, that the person who spoke before them had finished all he had to say: They seemed to hold European vivacity in contempt, because they found such as came among them, apt to interrupt each other, and frequently speak all together: Their behaviour in publick councils, was strictly decent and instructive, every one in his turn was heard, according to rank of years or wisdom, or services to his country: Not a word, a whisper, or a murmur, while any one spoke; no interruption to commend or condemn; the younger sort were totally silent. They got fire by rubbing wood of particular sorts, (as the antients did out of the ivy and bays) by turning the end of a hard piece upon the side of one that was soft and dry; to forward the heat they put dry rotten wood and leaves; with the help of fire and their stone axes, they would fall large trees, and afterwards scoop them into bowls, &c. From their infancy they were formed with care to endure hardships, to bear derision, and even blows patiently: at least with a composed countenance: Though they were

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ⁱ Uncultivated as these people are, in many of their practices, when it is considered how others have refined from circumstances equally low and sordid, it not quite so savage; it seems to open a door of hope with regard to some of these. If we look into Europe, we shall find that even in their present state, they are not an absolutely singular character. Vid. *Hist. of Ireland*, by F. Warner, L. L. D. lately published, &c.

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were not easily provoked; it was generally hard to be appeased whenever it happened: Liberty in its fullest extent, was their ruling passion; to this every other consideration was subservient; their children were train'd up so as to cherish this disposition to the utmost; they were indulged to a great degree, seldom chastised with blows, and rarely chided; their faults were left for their reason and habits of the family to correct; they said these could not be great before their reason commenced; and they seemed to abhor a slavish motive to action, as inconsistent with their notions of freedom and independency; even strong persuasion was industriously avoided, as bordering too much on dependence, and a kind of violence offered to the will: They dreaded slavery more than death: They laid no fines for crimes; for they had no way of exacting them: The attonement was voluntary: Every tribe had particulars in whom they reposed a confidence, and unless they did something unworthy of it they were held in respect: What were denominated kings, were sachems distinguished among these; the respect paid them was voluntary, and not exacted or looked for, nor the omission regarded: The sachems directed in their councils, and had the chief disposition of lands. To help their memories in treaties, they had belts of black and white wampum; with these closed their periods in speeches, delivering more or less according to the importance of the matter treated of; this ceremony omitted, all they said passed for nothing: They treasured these belts when delivered to them in treaties, kept them as the records of the nation, to have recourse to upon future contests; governed by customs and not by laws, they greatly revered those of their ancestors, and followed them so implicitly, that a new thought or action but seldom intruded. They long remembered kindnesses, families

or particulars that had laid themselves out to deal with, entertain and treat them hospitably, or even fairly in dealings, if no great kindness was received, were sure of their trade: This also must undoubtedly be allowed, that the original and more uncorrupt, very seldom forgot to be grateful, where real benefits had been received. And notwithstanding the stains of perfidy and cruelty, which in 1754, and since, have disgraced the Indians on the frontiers of these provinces, even these by an uninterrupted intercourse of seventy years, had on many occasions, given irrefragable proofs of liberality of sentiment, hospitality of action, and impressions^k that seemed to promise a continuation of better things: But of them enough at present.

Among

k. Witness the first reception of the English, the purchases afterwards, their former undeviating candour at treaties in Pennsylvania, and other incidents.

Extract of a letter from C. W. Indian interpreter of a neighbouring government, to C. S. printer.

‘I write this to give an account of what I have observed amongst the indians, in relation to their belief and confidence in a divine Being, according to the observations I have made from 1714, in time of my youth, to this day. If by the word religion, people mean an assent to certain creeds, or the observance of a set of religious duties, as appointed prayers, singing, preaching, baptism, &c. or even heathenish worship; then it may be said, the Five Nations and their neighbours have no religion; but if by religion, we mean an attraction of the soul to God, whence proceeds a confidence in, and hunger after the knowledge of him; then this people must be allowed to have some religion amongst them, notwithstanding their sometimes savage deportment. For we find amongst them some tracts of a confidence in God alone, and even sometimes (though but seldom) a vocal calling upon him: I shall give one or two instances of this, that fell under my own observation.

‘In the year 1737, I was sent, for the first time, to Onondago, at the desire of the governor of Virginia; I set out the latter end of February, very unexpectedly, for a journey of 500 English miles, through a wilderness where there was neither road nor path, and at such a time of year, when creatures could not be met with for food; there were a Dutchman and three Indians with me. When we were 150 miles on our journey, we came into a narrow valley, about half a mile broad, and thirty long, both sides of which were encompassed with high mountains, on which the snow lay about three feet deep; in it ran a stream of

‘water

A. D.
1681.

Among a people so immediately necessary to each other, where property was little, and the anxiety of increasing

'water, also about three feet deep, which was so crooked that it
'always extended from one side of the valley to the other;
'in order to avoid wading so often through the water, we
'endeavoured to pass along on the slope of the mountain; the
'snow three feet deep, and so hard froze on the top, that we
'could walk upon it: We were obliged to make holes in the snow,
'with our hatchets, that our feet might not slip down the mountain;
'and thus we crept on. It happened that the old Indian's foot
'slipt, and the root of a tree by which he held, breaking, he slid
'down the mountain as from the roof of an house; but happily
'was stopt in his fall, by the string which fastened his pack hitch-
'ing to the stump of a small tree. The two Indians could not
'come to his aid, but our Dutch fellow traveller did; and that
'not without visible danger of his own life: I also could not put
'a foot forward, till I was help'd; after which we laid hold of the
'first opportunity to go down again into the valley; which was
'not till after we laboured' hard for half an hour, with hands and
'feet: We had observed a tree that lay directly off from where the
'Indian fell; and when we were come down into the valley again,
'we went back about one hundred paces, where we saw, that if
'the Indian had slip'd four or five paces further, he would
'have fell over a rock one hundred feet perpendicular, upon craggy
'pieces of Rocks below. The Indian was astonish'd, and turn'd
'quite pale, then with out stretched arms and great earnestness, spoke
'these words, *I thank the great lord and governor of this world, in*
'*that he has had mercy upon me, and has been willing that I should*
'*live longer*; which words I at that time sat down in my journal:
'This happened the 25th of March, 1737.

'The 9th of April following, while we were yet on the journey,
'I found myself extremely weak, through the fatigue of so long a
'journey, and the cold and hunger I had suffered; and there hav-
'ing fallen a fresh snow of about twenty inches deep, also being yet
'three days journey from Onondago, in a frightful wilderness; my
'spirit failed, my body trembled and shook; I thought I should
'fall down and die; I step'd, aside, and sat me down under a tree,
'expecting there to die: My companions soon missed me; the
'Indians came back, and found me sitting there: I told them in
'one word, I would go no further, I would die there. They remained
'silent a while, at last the old Indian said, *My dear companion, thou*
'*hast hitherto encouraged us, wilt thou now quite give up? Remember*
'*that evil days are better than good days; for when we suffer much*
'*we do not sin; and sin will be drove out of us by suffering; but*
'*good days cause men to sin, and God cannot extend his mercy to them;*
'*but contrarywise, when it goeth evil with us, God hath compassion*
'*upon us.*' These words made me ashamed; I rose up, and travel-
'led on as well as I could.

'The

increasing it less; the intercourse naturally became free and unfettered with ceremony: Hence every one had his eye upon his neighbour; misunderstandings and mistakes were easily rectified. No ideas of state

or

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1681.

'The next year I went another journey to Onondago, in company with Joseph Spankenberg, and two others. It happened that an Indian came to us in the evening, who had neither shoes, stockings, shirt, gun, knife, nor hatchet; in a word, he had nothing but and old torn blanket, and some rags, upon enquiring whither he was going? he answered to Onondago. I knew him, and asked how he could undertake to go a journey of three hundred miles, so naked and unprovided; having no provisions, nor any arms to kill creatures, for his sustenance? he answered, he had been amongst enemies, and had been obliged to save himself by flight, and so had lost all. This was true in part; for he had disposed of some of his things amongst the Irish, for strong liquors. Upon further talk, he told me very cheerfully; that *'God fed every thing which had life, even the cattle-snake itself, tho' it was a bad creature; and that God would also provide in such a manner, that he should come alive to Onondago; he knew for certain that he should go there; that it was visible God was with the Indians in the wilderness, because they always cast their care upon him; but that contrary to this, the Europeans always carried bread with them.* He was an Onondago, his name was Anontagketa: The next day we travelled in company; and the day following, I provided him with a knife, hatchet, flint, and tinder, also shoes and stockings, and sent him before me to give notice to the council at Onondago, that I was coming; which he truly performed; being got thither three days before us.

'Two years ago I was sent by the governor to Shamokin, on account of the unhappy death of John Armstrong, the Indian trader: After I had performed my errand, there was a feast prepared, to which the governor's messengers were invited: There were about one hundred persons present, to whom (after we had in great silence devoured a fat bear) the eldest of the chiefs made a speech, in which he said, *that by a great misfortune, three of their brethren the white men, had been killed by an Indian; that nevertheless the sun was not set, (meaning there was no war) it had been only somewhat darkened by a small cloud, which was now done away; he that had done evil was like to be punished, and the land to remain in peace; therefore he exhorted his people to thankfulness to God; and thereupon began to sing with an awful solemnity, but without expressing any words; the others accompanied him with their voices: After they had done, the same Indian, with great earnestness, spoke these words, Thanks, thanks be to thee, thou great lord of the world, in that thou hast again caused the sun to shine, and hast dispersed the dark cloud; the Indians are thine.'*

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1681.

or grandeur; no homage of wealth, office, birth, rank or learning; no pride of house, habit, or furniture; very little emulations of any kind to interrupt; and so much together, they must be friends, as far at least, as that term could be properly applied to them; this was general in some of the tribes: Attachments of particulars to each other were constant and steady; and in some instances far exceeding what might be expected. Companies of them frequently got together to feast, dance, and make merry; this sweetned the toils of hunting; excepting these toils, and the little action before described, they scarcely knew any: A life of dissipation and ease, of uncertainty and want, of appetite, satiety, indolence and sleep, seemed to be the sum of the character, and chief that they aim'd at.

Notwithstanding their government was successive, it was, for extraordinary reasons, sometimes ordered otherwise; of this there is an instance in the old king Ockanickon, who dying about this time at Burlington, declared himself to this effect:

‘It was my desire, that my brother’s son Iahkursoe, should come to me, and hear my last words; for him have I appointed king after me.

‘*My brother’s son*, this day I deliver my heart into your bosom; and mind me. I would have you love what is good, and keep good company; refuse what is evil and by all means avoid bad company.

‘Now having delivered my heart into your bosom, I also deliver my bosom to keep my heart in; be sure always to walk in a good path, and if any Indians should speak evil of Indians or christians, do not join in it, but look at the sun from the rising of it to the setting of the same: In speeches that shall be made between the *Indians* and the christians, if any wrong or evil thing be spoken, do not join with that; but

‘join

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‘join with the good: When speeches are made, do not
 ‘you speak first; be silent and let all speak before you,
 ‘and take good notice what each man speaks, and
 ‘when you have heard all, join to that which is
 ‘good.

‘*Brother’s son*, I would have you cleanse your ears,
 ‘and take all foulness out, that you may hear both
 ‘good and evil, and then join with the good and
 ‘refuse the evil; and also cleanse your eyes, that you
 ‘may see good and evil, and where you see evil, do
 ‘not join with it, but join to that which is good.

‘*Brother’s son*, you have heard what has passed;
 ‘stand up in time of speeches; stand in my steps, and
 ‘follow my speeches; this do, and what you desire in
 ‘reason will be granted: Why should you not follow
 ‘my example? I have had a mind to be good and do
 ‘good, therefore do you the same: *Shecopp* and *Sram-*
 ‘*pis* were to be kings in my stead, but understanding
 ‘by my doctor, that *Shecopp* secretly advised him not
 ‘to cure me, and they both being with me at *John*
 ‘*Hollinshead’s* house, I myself saw by them, that they
 ‘were given more to drink, than to take notice of my
 ‘last words; for I had a mind to make a speech to
 ‘them, and to my brethren, the English commission-
 ‘ers; therefore I refuse them to be kings after me, and
 ‘have now chosen my brother’s son *Iahkursoe* in their
 ‘stead to succeed me.

‘*Brother’s son*, I advise you to be plain and fair with
 ‘all, both *Indians* and christians, as I have been; I
 ‘am very weak, otherwise I would have spoken more.’

After the Indian had delivered this counsel to his
 nephew, T. Budd, one of the proprietors, being
 present, took the opportunity to remark, that *there*
was a great God, who created all things; that he gave
man an understanding of what was good and bad; and
after this life rewarded the good with blessings, and the
bad

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bad according to their doings : He answered, *it is very true, it is so ; there are two ways, a broad and a straight way ; there are two paths, a broad and a straight path ; the worst and the greatest number go in the broad, the best and fewest in the straight path.* This king dying soon afterwards, was attended to his grave in the Quakers burial place in Burlington, with solemnity by the Indians in their manner, and with great respect by many of the English settlers ; to whom he had been a sure friend.

CHAP. IX.

Another ship arrives at West-Jersey : Proceedings of the general assembly of West Jersey : Sir George Carteret's death : Conveyance to the twelve eastern proprietors : Their proposals and regulations in several respects ; particularly in disposing of lands and building a town at Ambo Point : The twelve proprietors each take a partner, and thence are called the twenty-four ; to whom the D. of York makes a third and last grant : The twenty-four establish the council of proprietors of East Jersey, on the footing it now is : A general view of the improvements in East-Jersey, in 1682 : A compendium of some of the first laws passed at Elizabeth-Town : Doubts started whether the government of West Jersey was granted with the soil : Jennings continued governor of West Jersey ; and laws now passed there.

A large
ship with
passengers
to West-
Jersey.

IN the year 1682, a large ship of 550 tuns burthen arrived at West Jersey, which got a-ground in Delaware bay ; where, after laying eight days, by a favourable wind and tide, got off ; and coming up the river, landed her passengers, being three hundred and sixty

sixty in number, between Philadelphia and Burlington on the Jersey shore: Their provisions being nigh gone, they sent ten miles to an Indian town near Rankokus creek, for Indian corn and pease: The king of this tribe being then there, treated them kindly, and directed such Indians as had provisions, to bring it in next morning, who accordingly brought plenty; which being delivered and put in bags, the messengers took leave of the king; who kindly ordered some of the Indians to carry their bags for them to their canoes.

The assembly of West-Jersey having, at their last sitting, adjourn'd to the first of second month this year, met; but not being a full house, they adjourned to the fourteenth, and then dissolved themselves without doing any business: Another being called, sat from the second to the eleventh of the first month following; the members returned by the sheriff for the respective tenths, to serve in this assembly, were, Thomas Olive, speaker, Mahlon Stacy, Joshua Wright, John Lambert, Thomas Lambert, William Emley, Godfrey Hancock, Daniel Leeds, Thomas Wright, Samuel Borden, Robert Stacy, Thomas Budd, Daniel Wills, sen. Thomas Gardiner, John Crips, John White, John Chaffin, Bernard Davenish, Isaac Marriott, William Peachy, William Cooper, Mark Newby, Thomas Thackery, Robert Zane, James Nevil, Richard Guy, Mark Reeves, Richard Hancock, John Smith, John Pledger, Edward Wade, George Deacon, and Samuel Hedge: Hitherto the members had been chosen by the electors from all the tenths indiscriminately; but this assembly declared it their judgment, and the judgment of those they represented, that the most regular method for preserving the liberty and property of the people by a free assembly, was, that such of the ten proprietries, as were now peopled, should each chuse ten representatives (and the others also as they became peopled) and
resolving,

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Meetings
of the
West-Jer-
sey Assem-
bly.

A. D.
1682.

resolving, that twenty-four, the speaker one, should make the quorum, they chose the council, justices, commissioners for laying out land, and other officers.^l

This done, the governor, council and assembly, passed sundry laws; some of which were in substance, that each of the ten proprietors should have liberty to sell as far as five hundred acres of land, within their respective tenths, or take such other expedient as they should judge fit, for defraying publick charges, for the tenths respectively; to which purpose, Mahlon Stacy and Thomas Lambert were appointed within the first or Yorkshire tenth; Thomas Budd and Thomas Gardiner, for the second or London tenth; William Cooper and Mark Newby for the third or Irish tenth, and Samuel Jenings and Thomas Budd, within the remaining six tenths;^m. That the three pounds fine, formerly imposed on such as sold rum or other strong liquor

l. Those now chosen were,

Councillors. Thomas Olive, Robert Stacy, Mahlon Stacy, William Biddle, Thomas Budd, John Chaffin, James Nevill, Daniel Wills, Mark Newby, Elias Farre.

Justices for Burlington. William Biddle, Robert Stacy, Elias Farre, Mahlon Stacy, John Chaffin, Thomas Budd, Benjamin Scott, John Cripps, Thomas Thackery.

For Salem. James Nevill, George Deacon, Richard Hancock, Edward Wade.

Commissioners. Elias Farre, William Biddle, Thomas Budd, Thomas Gardiner, Mark Newby, James Nevill, Thomas Olive, Robert Stacy, Benjamin Scott, William Cooper.

Sheriff for Burlington. John White.

For Salem. Thomas Woodruffe.

Provincial clerk and recorder, for Burlington. Thomas Revel.

For Salem. Samuel Hedge.

Surveyor. Daniel Leeds.

Constables for Yorkshire tenth. Robert Schooley, John Pancoast.

For London tenth. John Bourten, William Brightwen.

For the third tenth. Thomas Sharp.

m. As for J. Fenwick, who own'd the other tenth, they seem here to have left him to his own concerns.

liquor to the Indians, should go one half to the informer, the other to the publick stock, where the offence was given; and that every foreigner offending herein, should forfeit five pounds, to be disposed of in like manner:---That for the more convenient payment of small sums of money, Mark Newby's coppers, called Patrick's half-pence,ⁿ should pass as half-pence current pay; provided he gave security to the speaker, for the use of the general assembly for the time being, that he, his executors and administrators would change them on demand, and provided none were obliged to take more than five shillings in one payment:---That for preventing clandestine and unlawful marriages, justices should have power to solemnize them, the parties having first published their intentions fourteen days in some publick place appointed for that purpose; any justice presuming to marry without the consent or knowledge of parents or trustees (if such consent could be reasonably obtained) was to be fined at the discretion of the general assembly; of which marriage the register was to make publick entry of the day it was solemnized; the births of children, and decease of all persons, were also to be entered in the publick register of the respective tenths; and for preventing differences between masters and servants, where no covenants were made, all servants were to have, at the expiration of their service, according to the custom of the country, ten bushels of corn, necessary apparel, two hoes and an ax:---That all servants of full age, coming into the province without indentures, or other agreements, should serve four years, from the ships entry, (to take which entries custom house officers were before appointed) and that all under the age of one and twenty years, who came without indentures

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ⁿ These were Irish half-pence, a parcel of which Newby had brought in with him.

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1682.

indentures, should within three months after arrival, be brought to the court, in the district where the party resided; which court was to appoint the time of servitude:---That for preventing deceits, lands should pay debts, where personal estates were insufficient:---That for encouragement of building a saw-mill, one thousand acres should be sold to William Frampton, to accomodate him with land for that purpose; and more as the governor and commissioners should judge convenient:---That for better settling and confirmation of lands, six of the commissioners, with the governor, should (where there was occasion) make an inspection into such as were or should be taken up; that on finding these legally located, they might after publick notice in the court, and no just reason to the contrary, confirm the same at the next court:---That there should be four courts of session held at Burlington and Salem yearly:----That the twenty pounds formerly granted the governor, the five pounds to the speaker, and the five pounds to the clerk, should be raised by tax; nine pounds six shillings and eight pence by the Yorkshire, London and Salem tenths each, and forty shillings by the third tenth; the whole, being thirty pounds, was to be delivered to Thomas Budd and Thomas Gardiner, in skins, corn or money; and the remainder of the two hundred pounds, formerly directed to be raised to defray the charges of government, to be a debt due from the other proprietaries.

The Representatives of West-Jersey continued to be annually chosen, 'till the surrender of the proprietary government, in 1702.^o. The council (who were justices

^o. In 1699, a law passed for reducing the number of representatives to ten for each of the counties of Burlington and Gloucester, five for Salem, and three for Cape May; but this occasioning dissatisfaction, was repealed, and the number enlarged as formerly, viz. Burlington, 20. Salem, 10. Gloucester, 20. Cape May, 5.

justices *ex officio* justices of peace, and inferior officers of government, were chosen by them; the governor was appointed by the proprietors, who governed them by a deputy, till the succeeding year; when the assembly understanding, that Byllinge, for some selfish reasons, inclined to turn Jennings out, who had hitherto been deputy governor, to the general satisfaction of the governed; they undertook, by their choice, to continue him governor of the province, pretending a right to do this, because in the constitutions, power was given to six parts in seven of the assembly, to make such alterations for the public good, (the laws of liberty of conscience, of property, of yearly assemblies, of juries, and of evidence, excepted) as they found necessary; and that no advantage might be taken of such judicial proceedings, as had not been exactly agreeable to the concessions, they confirmed and ratified them all.

A. D.
1682.

About this time, the settlers in many parts were distressed for food; several got the chief of what they eat by the gun; which, as powder and shot were sometimes very scarce, was at best a precarious supply.^p

Distress'd
for food.

Sir

p. Instances of their wants are many, and the supplies sometimes unexpected; the family of John Hollinshead, who lived near Rankokas, being unprovided with powder and shot, were in distress, when Hollinshead the younger, then a lad about 13, going through a corn field, saw a turkey; throwing a stick to kill it, a second came in sight: he kill'd both, and carried them home: Soon after, at the house of Thomas Eves, he saw a buck; and telling Eves, he set his dogs, who followed it to Rankokas river, then frozen; the buck running on the ice, slid upon his side; the dogs seized it; Hollinshead coming up with a knife, eagerly jumped upon it; the buck rose with him on his back and sprung forward, his feet spreading asunder, slip'd gently down on his belly, and gave Hollinshead a respite from danger, and opportunity of killing him: By these means two families were supplied with food to their great joy. These, and such like instances, in a new settled country, show, with the distress, the relief that sometimes unexpectedly attends it.

A. D.
1682.

Sir George Carteret, sole proprietor of East-Jersey, dying in 1679, by will, ordered that province to be sold, to pay his debts; which was done accordingly,^g by his widow and executors, by indenture of lease and release, bearing date *the 1st and 2d of February*, 1681—2, to William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, of London, gold-smith, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumsted, and Thomas Cooper, their heirs and assigns; who were thence called *the twelve proprietors*: They being together so seized, in this year published an account of their country, a fresh project for a town, and method of disposing of their lands.^r

Proposals
of the 12
proprie-
tors.

Their plan was popular, and took much, especially among the Scotch, of whom many had already arrived: In this and some of the immediately succeeding years, came many more: Among them was George Keith, who some time after became surveyor general, and was accounted very skilful in the business.

they take
12 part-
ners.

The twelve proprietors did not long hold the province to themselves, but by particular deeds, took each a partner; their names were, James Earl of Perth, John Drummond, Robert Barclay, Robert Gordon, Aarent Sonmans, Gawen Lawrie, Edward Byllinge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne; these
with

^g. His will is dated December 5, 1678, he devises to Edward earl of Sandwich, John earl of Bath, Bernard Grenville, sir Thomas Crew, sir Robert Atkins, and Edward Atkins, esq; and their heirs, among other lands, all his plantation of New-Jersey, upon trust and confidence that they, and the survivors and survivor of them, and the heirs and executors of the survivor of them, should make sale of all the said premises; and out of the money that should upon such sale arise, pay and discharge debts, &c. as therein mentioned.

^r. Vid. Appendix. Numb. iii.

with the other twelve, are since called *the twenty-four proprietors*: To them the duke of York made a fresh grant of East-New-Jersey, bearing date *the 14th of March, 1682.*^s

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1682.

This was the duke's third and last grant of East-Jersey;^t soon after which, the twenty-four proprietors, by an instrument under most of their hands, established *a council of proprietors*; and gave them power to ap-
East-Jer-
sey coun-
cil of pro-
prietors.
 point, oversee, and displace all officers necessary for the management of their property; to take care of all lands belonging to the general proprietors; to demise them for terms of years, and to appoint dividends thereof; to examine the rights of the particular proprietors who demanded their shares of those dividends, and to grant warrants to the surveyor general (whom they chuse themselves) for the appropriating the quantity of acres due to such share; to sue trespassers upon the general proprietors land; and in general, to manage the affairs, which relate to the said general proprietors: This council always to consist of at least one third of the general proprietors, or their proxies; and to have two general meetings yearly, at Perth-Amboy; which were held immediately after the supreme courts there,
Time of
meeting.
 but lately altered to *the first Tuesday in April, and second in September*. In this manner have the lands in East-Jersey been disposed: Since the purchase of *the twenty-four*, the constitution as well as the management continues the same.

The province of East New-Jersey being now well settled for the time; its situation reduced to a general view, from the accounts then published by secretary Nicolls of New-York, appears to be thus:

Shrewsbury,

^s. The grants being already in the hands of the publick, were not thought necessary to be reprinted here: See grants, concessions, &c. published by A. Leaming, and J. Spicer.

^t. More full and express than any that went before.

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1682.
Shrews-
bury.

Shrewsbury, near Sandy-Hook, adjoining the river or creek of that name, was already a township, consisting of several thousand acres, with large plantations contiguous; the inhabitants were computed to be about 400. Lewis Morris, of Barbadoes, had iron works and other considerable improvements here.

Middle-
town.

Middletown was supposed to consist of 100 families; several thousand acres allotted for the town, and many thousands for the several out plantations: John Bowne, Richard Hartshorne, and Nicholas Davis, had each well improved settlements here; a court of sessions was held twice or thrice a year, for Middletown and Piscataway, and their jurisdictions: Several plantations were settled on the north side of Rariton river, below Piscataway; several also higher up Rariton, and about the Falls; among which John Palmer, of Staten-Island, Thomas Codrington, John Robinson, White and company, and Edsal and company, of New-York, and capt. Corsen, had settlements: Some land was likewise located by Millstone river, up Rariton, supposed to be near the division line.

Wood-
bridge.

Woodbridge had several improved plantations in it, and the country round; Delaplairs, the surveyor general, was one of the settlers here: This town claimed more privileges than others; was incorporated by charter, and had erected a court house and prison (such as they were.) There were here about one hundred and twenty families; a large quantity of land in the town, and for the plantations round, many thousand acres; of which plantations there were several on the north side of the river that divides Elizabeth-Town and Woodbridge.

At

u. From several erroneous computations, first published in Nicolls's account, but here omitted, there may be some reason to doubt others: what is here left, appeared probable; but if there should be thought any mistakes in names, number or situation; it must be remembered, that it is given only as Nicolls's account of this year.

At the entrance of the creek, on the north side, called Carteret's Point, north of Staten-Island, were other plantations, from Elizabeth-Town to the bounds of New-York: Within Elizabeth-Town claim, was a settlement in partnership between the proprietor Carteret, and governor P. Carteret; the latter had built a house and resided here; the town was supposed to consist of one hundred and fifty families.

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1682.

On the north of Milford or Newark river, is a large tract belonging to Kingsland and Sanboord: Higher up the river, another to capt. Berrie; who dividing it, several plantations were soon settled on it: Still further up the river, an island belonging to Christopher Hoogland, of Newark; above that again, was a large tract owned by Jacques Cartelayne, and partners; who, now made some settlement: These tracts were within the jurisdiction of Newark. Newark was then said to be a compact town, consisting of about one hundred families.

Near the mouth of the bay, upon the side of Overbrook creek, adjacent to Hackinsack river, several of the rich valleys were then settled by the Dutch; and near Snakehill was a fine plantation, owned by Pinhorn and Eickbe; for half of which, Pinhorne is said to have paid 500*l*. There were other settlements on Hackinsack river; and on a creek near it, Sarah Kiersted of New-York, had a tract given her by an old Indian sachem, for services in interpreting between the Indians and Dutch, on which several families were settled: John Berrie had a large plantation, two or three miles above, where he then lived, and had considerable improvements; as had also near him, his son in law *Smith*, and one *Baker* from Barbados: On the west side of the creek, opposite to Berrie,

were

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1682.

were other plantations; but none more northerly. There was a considerable settlement on Bergen point, then called Constable Hook, and first improved by Edsall, in Nicolls's time. Other small plantations were improved along Bergen neck, to the east, between the point and a little village of twenty families: Further along lived sixteen or eighteen families; and opposite New-York, about forty families were seated; southward from this, a few families settled together at a place called the Duke's Farm; and further up the country, was a place called Hobuck, formerly own'd by a Dutch merchant, who, in the Indian wars with the Dutch, had his wife, children and servants murdered by the Indians, and his house and stock destroyed by them;^y but it was now settled again, and a mill erected there: Along the river side, to the north, were lands settled by William Lawrence, Samuel Edsal and capt. Beinfeld; and at Haversham, near the High Lands, governor Carteret had taken up two large tracts; one for himself, the other for Andrew Campyne and company; which were now but little improved: The plantations on both sides of the Neck, to its utmost extent, as also those at Hackinsack, were under the jurisdiction of Bergen town, situate about the middle of the Neck; where was a court held by select men or overseers, consisting of four or more in number, as the people thought best, chose annually to try small causes, as had been the practice in all the rest of the towns at first: Two courts of sessions were held here yearly, from which, if the cause exceeded twenty pounds, the party might appeal to the governor, council and court of deputies or assembly.

Bergen

^y. That there were such wars or skirmishes between the Dutch and Indians, we see is confirmed by concurring accounts: See before a note, p. 24, &c. and p. 64, 65.

Bergen a compact town, had been fortified against the Indians, contained about seventy families; its inhabitants chiefly Dutch, some of whom had been settled there upwards of forty years. Upon the whole there were at this time supposed to be about seven hundred families settled in the towns of East-Jersey; which, reckoning five to a family, were three thousand and five hundred inhabitants; besides the out plantations, which were thought to contain half as many more, though these could not be so well guessed at.

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Bergen.

P. Carteret continued governor of East-Jersey after the quinty partite division, till about the year 1681. His council in 1668, consisted of six, viz.

Nicholas Verlet, Robert Bond, Robert Vanquellin, Daniel Pierce, Samuel Edsall, William Pardon.

The assembly then consisted of twelve; the first members were,

Casper Steenmets, Baltazar Bayard, for Bergen. John Ogden, sen. John Brackett, for Elizabeth-Town. Robert Treat, Samuel Swarne, for Newark. John Bishop, Robert Dennis, for Woodbridge. James Grover, John Bound, for Middletown.

The same for Shrewsbury.

The sessions were mostly held at Elizabeth-Town, but sometimes at Woodbridge, and once or more at Middletown and Piscataway; Some of the first laws as published by the legislature at Elizabeth-Town, were in substance: That persons resisting authority, should be punished at the discretion of the court:----

That

z. His salary was generally 50 *l.* a year, paid in country produce, at prices fixed by law, and sometimes four shillings a day besides, to defray his charges while a session was held: the wages of the council and assembly during their sitting in legislation, was, to each member three shillings a day: The rates for publick charges were levied at two shillings per head for every male above fourteen years old.

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That men from 16 to 60 years of age, should provide themselves with arms, on penalty of one shilling for the first week's neglect, and two for every week after :
 ----That for burglary or high-way robbery, the first offence, burning in the hand, the second, in the forehead, in both, to make restitution; and for the third offence, *death* :----For stealing, the first offence, treble restitution, and the like for the second and third offence, with such increase of punishment, as the court saw cause, even to death, if the party appeared incorrigible; but if not, and unable to make restitution, they were to be sold for satisfaction, or to receive corporal punishment :-----That conspiracies or attacks upon towns or forts, should be *death* :----That undutiful children, smiting or cursing their father or mother, except provok'd thereunto for self-preservation, upon complaint of, and proof from their parents or either of them, should be punished with *death* :----That in case of adultery, the party to be divorce'd, corporally punished or banished, or either, or all of them, as the court should judge proper :-----That for night-walking and revelling after the hour of nine, the parties to be secured by the constable or other officer till morning, and then not giving a satisfactory account to the magistrate, to be bound over to the next court, and there receive such punishment as should be inflicted :----That the meeting of the assembly should be always on the first Tuesday in November, yearly, and oftner, if the governor and council thought necessary; and that they should fix the governor's salary; the deputies of each town to be chosen on the first of January, according to the concessions; any deputy absenting himself at such times, was to be fined forty shillings for every day's absence :----That thirty pounds should be levied for provincial charges, *i. e.* 5 *l.* to be paid by each town, in winter wheat at five shillings a bushel

bushel, summer wheat at four and six pence, pease at three shillings and six pence, Indian corn at three shillings, rie at four shillings, barley at four shillings, beef at two pence half-penny per pound, and pork at three pence half-penny :---That no son, daughter, maid or servant, should marry without the consent of his or their parents, masters or overseers, without being three times published in some publick meeting or kirk, near the party's abode, or notice being set up in writing at some publick house near where they lived, for fourteen days before; then to be solemnized by some approved minister, justice or chief officer; who, on penalty of twenty pounds, and to be put out of office, were to marry none who had not followed those directions:---That fornication should be *punished* at the discretion of the court, by *marriage*, fine or corporal punishment; and that no life should be taken but by virtue of some law, and the proof of two or three witnesses.

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There being doubts started, whether the government of West New-Jersey, had been granted with the soil, and reports industriously spread up and down the province, as well as in England, to the prejudice of the possessors title, as they thought; the assembly in the spring, this year, thought it their business to obviate this, and other points, by unanimously resolving, as to the first, 'That the land 'and government of West New-Jersey, were purchased together:' And that as to the question, 'Whether the concessions agreed upon by the proprietors and people, and subscribed in London and 'West-Jersey, were agreed upon to be the fundamentals and ground of the government of West-New-Jersey, or not? Resolved in the affirmative, 'nemine contradicente: only John Fenwick excepted 'his tenth; which he said at that time was not under
'the

Doubts as
to the go-
vernment
of West-
Jersey.

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‘the same circumstances; but now freely consenteth
‘thereto.^a

Jenings.

Jenings was at this assembly *chosen* governor, as hinted before,^b having hitherto acted as Byllings’s deputy: The commissioners and other officers of government, being also chosen, they severally took their qualifications;^c and having agreed, that the
governor

a. Proprietary records, secretary’s office, Burlington.

b. He had for salary this year a right to take up six hundred acres of land above the Falls.

c. Respectively as follows.

I Samuel Jenings, being elected governor of the province of West-Jersey, by the general free assembly thereof, sitting at Burlington, the eleventh day of the third month, in the year 1683, do freely and faithfully promise (according to the best of my ability) to act in that capacity according to the laws, concessions, and constitutions, as they are now established in the said province.

SAMUEL JENINGS, Governor.

The engagement and promise of the council elected by the assembly.

We underwritten being elected and chosen by the general free assembly, members of council, to advise and assist the governor in managing the affairs of the government, do solemnly promise every one for himself, that we will give our diligent attendance from time to time, and him advise and assist to the best of our skill and knowledge, according to the laws, concessions, and constitutions of this province; and do further promise not to reveal or disclose any secret of council, or any business therein transacted, to the prejudice of the public. *Witness our hands the 15th day of the third month, Anno 1683.*

Thomas Budd,
John Skeen,
John Gosling,
Thomas Olive,
William Biddle,

Thomas Gardiner,
Henry Stacy,
James Nevill,
Elias Farre.

The engagement and promise of the commissioners, justices, and other officers, elected as aforesaid.

We whose names are hereunderwritten, being by the general free assembly, chosen to officiate in our several trusts, commissions and offices for the year ensuing; do hereby solemnly promise, that we will truly and faithfully discharge our respective trusts, according to the laws, concessions and constitutions of the said province, in our respective offices and duties, and do equal justice and right to all men, according to our best skill and judgment, without corruption,

governor should be chairman, or speaker; that he should sit as a member with them, and they together with the council; and that the chairman should have a double vote; passed sundry laws, among which was the following.

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‘ And whereas it hath pleased God, to commit this
‘ country and province into the hands of such who
‘ (for the generality of them) are fearing God, and
‘ painful and industrious in the promoting and im-
‘ proving the said province; and for the better prevent-
‘ ing of such as are profane, loose and idle, and
‘ scandalous, from settling amongst us, who are, and
‘ will be, not only unserviceable, but greatly burthen-
‘ some to the province: It is therefore hereby enacted
‘ by the authority aforesaid, that all person and persons,
‘ who shall transport him or themselves into this pro-
‘ vince, shall, within eighteen months after he or they
‘ shall arrive in the said province, procure and produce
‘ a certificate, under the hands of such of that religious
‘ society to whom he or they did belong, or other-
‘ wise from two magistrates (if procurable) or two
‘ constables or overseers of the poor, with three or
‘ more creditable persons of the neighbourhood, who
‘ inhabit or belong to the place where he or they did
‘ last reside, as may give satisfaction (that is to say)
‘ that he or they came not clandestinely or fraudently
‘ away; and if unmarried, that he or she are clear
‘ from former engagements in that particular; and
‘ also, that he or she are such as live soberly and honestly,
‘ to the best of their knowledge; and that no justice
‘ shall

tion, favour or affection. Witness our hands this 15th of the third month, 1683.

Justices. Thomas Olive, Richard Guy, Andrew Wade, Andrew Thompson.

Commissioners. William Biddle, John Gosling, John Skeen, Mah-
jon Stacy, Thomas Olive, James Nevill, Francis Collins,
Thomas Budd, Thomas Gardiner, Mark Newby.

Recorder. Thomas Revell.

Sheriff. Benjamin Wheat.

Surveyor. Daniel Leeds.

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‘shall presume to marry any such person or persons, who shall come into this province, before such certificate be produced; or that it be laid before the governor or two justices, and give them sufficient satisfaction concerning their cleanness; and that all such person and persons who shall settle in the said province, and shall refuse or neglect to produce such certificate as aforesaid, within the said eighteen months, shall be fined at the discretion of the governor and council of the said province, not exceeding twenty pounds; the same to be levied by distress and sale on the offender’s goods, and to be paid into the hands of the treasurer of the said province.’

CHAP. X.

Robert Barclay appointed governor of East-Jersey; and T. Rudyard deputy: Letters from Rudyard, S. Groome, Laurie and others, concerned in that settlement.

1683.

Robert
Barclay
governor.

WE have seen that the Scotch had a considerable share in the settlement of East-Jersey, many of them and a number that arrived afterwards, fixed about Amboy, and up Rariton: The twelve proprietors appointed Robert Barclay, (author of the apology) governor for life;^{d.} and Thomas Rudyard, (a lawyer

OR

d. His commission.

‘The proprietors of the province of *East-New-Jersey*. To our trusty and well beloved fellow proprietor, Robert Barclay, sendeth greeting:

‘Whereas the powers of government of the province of *East-New-Jersey*, is devolv’d upon us, and assigned to us, by James duke of York, with power to constitute and appoint such governor and commissioners, for the well governing of the said province, as we shall see meet; and we having heretofore, out of the confidence we had of Robert Barclay, his skill, prudence and integrity, constituted and appointed him governor of the said province, to appoint a deputy during his absence therefrom, to be approved
‘by

or attorney in London, noted for his assistance at the trial of Penn and Mead: deputy governor; which last arrived at his government, the latter end of last, or beginning of this year: His account of the country soon after his arrival, may not be unacceptable.

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‘Dear B. G.

‘East-Jersey, the 30th of the 3d month
‘called May, 1683.

‘To be as particular in my turn, were but thy
‘due; yet I cannot promise so much; however I may
‘give thee some general account of the province, and
‘of our satisfaction with our present lot, the short
‘time I have experienced this: But to give thee also,
‘as thou desires, a character of Pennsylvania, and
‘West-Jersey, that will be a task I must be excused to
‘undertake

‘by sixteen of the proprietors: Upon the same reason and confi-
‘dence, we do hereby confirm to him the government of the said
‘province, *during all the days of his life*; us to have the power of
‘the government of all the said province, and of all isles, rivers,
‘islands and seas within the same, or belonging thereto; to do all
‘and every thing or things, which to the charge and office of a
‘governor doth appertain; commanding all inferior officers to
‘obey him as their governor, according to this our commission, and
‘the powers hereby given him, and according to the laws and
‘constitutions made or confirmed by us, or to be made; which he
‘himself is to observe and follow; as unto his duty and office doth
‘appertain. And whereas we have agreed, and are satisfied, for
‘certain good reasons and considerations moving us thereunto, to
‘commit this trust unto him, and to give him this character,
‘without laying any necessity upon him to repair to the said pro-
‘vince; so likewise we have, and do hereby give him power, from
‘time to time as need shall be, during his absence, to name and
‘constitutes and grant commission, to a deputy governor to serve in
‘the said province; he being always approved by sixteen of us the
‘proprietors, and following the orders he receives from us, accord-
‘ing to the laws and constitutions of the said province.

‘Given under the seal of the said province, and signed by our
‘hands; dated at London, the 17th of the fifth month called
‘July, in the year of our lord, according to the English account,
‘1683.

R. Barclay died the third of October, 1690, and had continued governor till 1685, when lord Neil Campbell, uncle to the D. of Argyle, was appointed governor, and came over hither.—In 1698, sir Thomas Lane was governor of East-Jersey.

e. Vid. the trial, and Sewel's hist. p. 504.

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‘undertake, lest I give offence, or at least bring me
‘under censure as partial: Were I not concerned in
‘any of the provinces, I might satisfy thy curiosity;
‘but being chiefly interested in this, I’ll be very cau-
‘tious meddling with my neighbours, more than here,
‘one with another; so I may use my freedom with my
‘neighbours, which they take not ill, but not write
‘what may be taken otherways. They lie so near
‘adjacent, that they may be said in a sense, to be but
‘one country; and what’s said for one, in general may
‘serve for all. I have been at Burlington, and at
‘Pennsylvania, as far as Philadelphia; which lies
‘about twenty miles below Burlington: That journey
‘by land, gave me some view of all the provinces;
‘and made me considerably to estimate this of East-
‘Jersey, having some conveniencies esteemed by
‘me, which the others are not so plentifully furnished
‘withal, viz. fresh and salt meadows, which now are
‘very valuable; and no man here will take up a tract
‘of land without them, being the support of their
‘stock in winter; which other parts must supply by
‘store, and taking more care for English grass: But
‘know, where salt marshes are not, there is no mus-
‘ketoes, and that manner of land the more health;
‘and this was often answered me, when I have been
‘making comparisons. I must tell thee, their character
‘in print, by all that reads it here, is said to be modest,
‘and much more might have been said in it’s com-
‘mendation: We have one thing more particular to
‘us, which the others want also, which is vast oyster
‘banks, which is constant fresh victuals, during the
‘winter, to English, as well as Indians; of these
‘there are many all along our coasts, from the sea,
‘as high as against New-York, whence they come to
‘fetch them; so we are supplied with salt fish at our
‘doors, or within half a tide’s passage; and fresh fish
‘in abundance, in every little brook, as perch, trout,
‘eels, &c. which we catch at our doors. Provisions
‘here are very plentiful, and people generally well
‘stocked with cattle: New-York and Burlington have
‘hitherto

'hitherto been their market; few or no trading men
 'being here in this province: I believe it hath been
 'very unhappy heretofore, under an ill managed
 'government; and most of the people are such who
 'have been invited from the adjacent colonies, by the
 'goodness of it's soil, and convenient situation: At
 'Amboy we are now building some small houses, of
 '30 feet long, and 18 feet broad; fitting to entertain
 'workmen, and such who will go and build larger:
 'The stores lie exceeding well and good, up the Rari-
 'ton river a tide's passage; and oyster shells upon the
 'point, to make lime withal; which will wonderfully
 'accomodate us in building good houses cheap, warm
 'for winter, and cool for summer; and durable cover-
 'ing for houses are shingles, oak, chesnut, and cedar;
 'we have plentiful here of all; the last endures a man's
 'life, if he lives to be old: There is five or six saw-
 'mills going up here this spring; two at work already,
 'which abates the price of boards half in half; and
 'all other timber for building; for altho' timber costs
 'nothing, yet workmanship by hand, was London
 'price, or near upon it, and sometimes more; which
 'these mills abate; we buy oak and chesnut boards no
 'cheaper than last year: My habitation with Samuel
 'Groome, is at Elizabeth-Town, and here we came
 'first; it lies on a fresh small river; with a tide ships
 'of 30 or 40 tuns, come before our doors. Through-
 'out this town is good English grass, and bears a very
 'good burthen: We cannot call our habitations soli-
 'tary; for what with the publick employ, I have little
 'less company at my house daily, than I had in George
 'Yard; altho' not so many passes by my doors: The
 'people are generally a sober professing people, wise
 'in their generation, courteous in their behaviour, and
 'respectful to us in office among them: As for the
 'temperature of the air, it is wonderfully situated to
 'the humours of mankind; the wind and weather
 'rarely holding in one point, or one kind, for ten days
 'together; it is a rare thing for a vessel to be wind
 'bound for a week together, the wind seldom holding
 'in

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‘in a point more than 48 hours; and in a short time
 ‘we have wet and dry, warm and cold weather; which
 ‘changes, we often desire in England, and look for
 ‘before they come; yet this variation creates not cold,
 ‘nor have we the tenth part of the colds we have in
 ‘England: I never had any since I came; and in the
 ‘midst of winter and frosts, could endure it with less
 ‘cloaths than in England; for generally I go with
 ‘the same cloaths I used to wear in summer with you;
 ‘but warm cloaths hurt not. I bless the Lord, I never
 ‘had better health, nor my family; my daughters are
 ‘very well improved in that respect, and tell me they
 ‘would not change their place for George Yard, nor
 ‘would I. People here are generally settled where the
 ‘tide reaches; and altho’ this is good land, and well
 ‘timbered, and plentifully supplied with salt marsh;
 ‘yet there is much better land up higher on the river,
 ‘where they may go up with small boats, where many
 ‘now are settling. There’s extraordinary land, fresh
 ‘meadows overflowed in the winter time, that produces
 ‘multitudes of winter corn; and it’s believed will
 ‘endure 20, 30, or 50 years ploughing, without inter-
 ‘mission, and not decay: Such land there is at Esopus,
 ‘on Hudson’s river, which hath bore winter corn about
 ‘20 years, without help, and is as good as at first, and
 ‘better. William Penn took a view of the land, this
 ‘last month, when here; and said he had never seen
 ‘such before in his life: All the English merchants,
 ‘and many of the Dutch, have taken, and are desirous
 ‘to take up plantations with us: Our country here,
 ‘called Bergen, is almost Dutchmen; at a town called
 ‘Newark, seven or eight miles hence, is made great
 ‘quantities of cyder; exceeding any we can have from
 ‘New-England, Rhode-Island, or Long-Island I
 ‘hope to make 20 or 30 barrels out of our orchard
 ‘next year, as they have done who had it before me;
 ‘for that, it must be as providence orders. Upon our
 ‘view and survey of Amboy point, we find it extraor-
 ‘dinary well situate for a great town or city, beyond
 ‘expectation; at low water, round about the point,
 ‘are

'are oysters of two kinds, small as English, and
 'others two or three mouthfuls, exceeding good for
 'roasting and stewing; the people say, our oysters are
 'good, and in season all summer: the first of the third
 'month I eat of them at Amboy very good:
 'The point is good lively land, ten, some places
 'twenty foot above the water mark. About it are
 'several coves, where vessels may lay up conveniently;
 'besides great ships of any burthen, may all ride
 'before the town, land lock'd against all winds; there
 'Rariton river runs up, or rather down 50, far larger
 'some say 100 miles, for small boats. I saw several
 'vines upon the point, which produces, as they say,
 'good grapes in their season; this country is very full
 'of them; but being not present profit, few regard
 'them more, than to pick them as they lay in their
 'way, when they are ripe. We have store of clams,
 'esteemed much better than oysters; on festivals the
 'Indians feast with them; there are shallops, but in
 'no great plenty: Fish we have great store, as our
 'relation sets forth; but they are very good when
 'catch'd (as the proverb is.) I have several barrels by
 'me now, which are good for our table, and for sale.
 'I brought a sea net over with me, which may turn
 'to good account; sea nets are good merchandize
 'here; mine cost me about four or five pounds, and
 'can have twenty pounds for it, if I would sell it now.
 'I may write of many such matters in our province,
 'which may invite persons here; but so am resolved
 'to conclude, knowing that in probability, there is not
 'an industrious man, but by God's blessing, may not
 'only have a comfortable, but plentiful supply of all
 'things necessary for this life; with the salutation of
 'my true affection to all, &c. I rest

thy affectionate friend,

THOMAS RUDYARD.

Samuel Groome, one of the proprietors, and surveyor general of East-Jersey, also wrote to his fellow proprietors, as follows.

East-

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East-Jersey, the 11th of August,
1683.

‘ Friends and fellow proprietors.

‘ Since my last I have now sounded the channel from
‘ Amboy to Sandy-Hook, and find it to be a broad and
‘ bold channel, in no place less than three fathom
‘ at high-water, in ordinary tides four, or five, or six
‘ fathom except in one short place: Rariton river is a
‘ good river, and hath a good tide of flood overpower-
‘ ing the freshes about thirty miles above Amboy; after
‘ it’s flood, the tide hath no force against the freshes,
‘ which come out of several branches of Rariton, and
‘ joins in one, forty or fifty miles above Amboy. I
‘ have spent a considerable time in making discovery:
‘ I have not as yet, had time to lay out much land for
‘ you, only about seventeen or eighteen thousand acres
‘ in one tract, good upland, near Elizabeth-Town.
‘ I have now seen the tract of land against or nigh
‘ Amboy point, formerly laid out by Vanquillin; it
‘ is on the west side of a creek called Chingerorus, about
‘ eight thousand acres, and I intend shortly to lay as
‘ much, or twice as much more to it; but first we must
‘ talk with the natives about that, and other tracts of
‘ land, that they are not yet paid for: The last day of
‘ this month is appointed to treat with several Indians,
‘ to buy several exceeding good tracts, nigh the head
‘ of Rariton.

‘ The tenth of next month is also appointed to treat
‘ with other Indians, to buy other tracts of choice
‘ meadowing and upland, that lieth about twelve or
‘ thirteen miles up into the country, which I have seen;
‘ and when we have accomplished these two things, we
‘ shall be able to lay out for you much land; and when
‘ I have been up in the country towards, and at Barna-
‘ gat, and agreed with the Indians thereabout, for such
‘ land as we may see occasion to purchase presently, in
‘ order to a settlement there; for here are many both
‘ of New-England, New-York, and some parts of this
‘ province, stands ready to sit down in that part of the
‘ country, not only for the sake of the good upland
‘ and meadows, which report saith is much thereabout,
‘ but

' but also for the sake of the whale trade, and other
 ' fishing trade, which is like to be there shortly: New-
 ' England-men and others, were a tampering with the
 ' Indians, to have purchased there, before and since we
 ' came; but now they are out of hopes of coming in
 ' at that door; so now they make their addresses to us,
 ' and would have us to purchase and let them come in
 ' our tenants; or otherways as we may agree: I intend
 ' to attempt these things this fall: I have not been
 ' much on the south side of Rariton, only upon some
 ' upland at several places, and upon the tract of eight
 ' thousand three hundred and twenty acres of yours
 ' aforementioned, and also on the meadowing that lies
 ' on the south side of Rariton above Amboy, a year or
 ' two since purchased of the Indians, in the name of
 ' Dame Carteret, though it was never intended for her:
 ' nor for any proprietor; but as it fell out, they quar-
 ' relled about disposing and sharing thereof: so it is now
 ' without controversy yours. Now know, that Rariton
 ' river is accommodated on both sides with salt and fresh
 ' meadows; salt as far as the salt sea water flows, or
 ' predominates; and fresh above, as the river Thames:
 ' We have above three thousand acres of meadowing
 ' butting on the river; I hope it will never hurt Amboy
 ' town: Besides, report saith, that the upland next
 ' adjoining to this meadowing, beginning over against
 ' Amboy, and so up ten or twelve miles, to a river
 ' that strikes out of Rariton south, and is called South
 ' River, is but mean land.

' It may be well, if you would agree to take each
 ' one a twenty fourth part of lands as we lay them out,
 ' whether it be more or less, or else take five hundred
 ' acre lots, and let these lots be cast when twenty four
 ' times five hundred acres is laid out; and where we
 ' can make greater lots, we may We have now got up
 ' three houses at Amboy, and three more ready to be
 ' set up, but workmen are scarce, and many of them
 ' base; the best will work but when they can spare
 ' time out of their plantations: If no help comes, it will
 ' be long e'er Amboy be built as London is; housing
 ' will

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‘will bring a trade to that place: The Indians come
‘thither to get fish, fowl, oysters, clams, mussels,
‘&c. (as people go to market for things they want)
‘and these Indians bring at seasons, great quantities of
‘skins down Rariton, so by Amboy and to New-York;
‘where they have a continual supply of things they
‘want.

‘Well, here is a brave country, the ground very
‘fruitful, and wonderfully inclinable to English grass;
‘as clover, &c. It predominates over the more wild
‘grass, very little barren, much dry upland, and good
‘meadow: Some fenny, swampy land, and small run-
‘ning brooks and rivers, throughout all the parts of
‘the country I have seen; and these fenny and
‘swampy lands bear great burdens of grass; in short,
‘the land is four times better than I expected. We
‘must needs be out of some money at present to pur-
‘chase lands of the Indians, but that will be soon got
‘in with profit, as people come to inhabit and take up
‘land, and pay, as always they have done, their part of
‘purchase from the Indians: Here is great talk of the
‘braveries of the place and land: Barnagat I intend
‘to see shortly after the season is fitting to go by land
‘and water to it; I intend to go by water in a sloop, to
‘see how convenient it is by water, and from thence
‘come by land; so then I shall tell you more: Ye must
‘expect to be at charges for doing these and such other
‘things: I purpose shortly to write to, and demand
‘of all places the quit rents and arrears; they generally
‘say they will pay: Capt. Berrie is two or three hun-
‘dred pounds behind in arrears, as is said; because
‘his case differs from others a little, I’ll (God permit-
‘ting) begin with him first of all about his rent, &c.
‘and either have rent, or land: What you write con-
‘cerning building and repairing, shall be observed: I
‘wish I were fairly rid of all the goods I have of yours,
‘and my own, at twenty eight per cent. excepting such
‘as are for the Indian trade: These parts of America
‘are accommodated with English goods; nevertheless
‘when I pay workmen and labourers, I pay them goods
‘rated

‘rated cent. per cent. New-York money; but then
 ‘I must pay them two or three parts silver; which I
 ‘procure with goods as well as I can.

‘The houses at Amboy are thirty feet long, and
 ‘sixteen wide, ten feet betwixt joint and joint, a
 ‘double chimney made with timber, and clay as the
 ‘manner of this country is to build, will stand in
 ‘about fifty pounds a house; this pay procured here for
 ‘twenty five in goods the first cost. I shall make you
 ‘no return this year, seeing we are about purchasing
 ‘and surveying; all which will run out money in this
 ‘place, where men are so scarce to be had; on such
 ‘accounts, I must as well as I can, turn your goods
 ‘into money, provision and goods for Indians. I have
 ‘laid out Amboy into one hundred and fifty lots, and
 ‘have sent home a draught of it.

S. GROOME.

Gawen Lawrie arriving this year deputy governor of East-Jersey, under Robert Barclay, chose a fresh council; Richard Hartshorne one of them: There having been considerable disturbances in the province, especially about Middletown and Woodbridge, relating to town affairs; their prudent conduct contributed to the quiet of the province: The two following letters, wrote soon after Lawrie’s arrival, contain, as well his sentiments of the country, as some of the principal transactions of those times.

Gawen Lawrie, to the proprietors at London.

Elizabeth Town, 1 Month 2d, 1684.

‘I took up several days with countrymen, and
 ‘others, to view the ground and water; at last I
 ‘pitched upon a place, where a ship of 300 tun may
 ‘ride safely within a plank length of the shore, at low
 ‘water; adjoining thereto is a piece of marsh ground,
 ‘about

f. In one of these disturbances, Lewis Morris, afterwards governor of New-Jersey, being a party, was taken prisoner and confined in a log house; his partizans prized up the logs high enough or him to creep out.

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‘about twelve perches broad, and twenty perches
 ‘long, and high land on each side like our keys by
 ‘London bridge; this may be easy cut quite round,
 ‘for small vessels to come to the key, and lie safe; round
 ‘this island I set out lots one acre apiece, viz. four
 ‘pole at the key, and forty pole backward; from
 ‘thence along the river near half a mile: I laid out
 ‘the like lots very pleasant for situation, where they
 ‘can see the ships coming in the bay of sandy hook,
 ‘for near twenty miles; the ships may ride along by
 ‘the town, as safe as at London, just at the point by
 ‘the town: Rariton river runs up by the country, a
 ‘great way; there boats of forty tuns may go; and
 ‘the river by the town, goes to New-York, Hudson’s
 ‘river, Long-Island, Staten-Island, and so to New-
 ‘England: There is no such place in all England, for
 ‘conveniency and pleasant situation; there are sixty lots
 ‘upon the river, and forty backward between those and
 ‘the river; and those backward, have a high way 100
 ‘foot broad; where I have laid out a place for a mar-
 ‘ket, with cross streets from the river to the market;
 ‘where the town houses are to be built: When this
 ‘was done, I laid out 400 acres, to be divided into
 ‘forty-eight parts, viz. thirty-six to each proprietor;
 ‘and those who have lots in the town, I grant them
 ‘half lots in this; to pay for the lots in the town,
 ‘twenty pounds; or if a half lot of thirty-six acres,
 ‘forty pounds. I laid 400 acres to lie until the
 ‘proprietors agree to divide it, as people comes over.
 ‘There is sixteen lots taken up by the Scotch proprie-
 ‘tors; and eight lots by the proprietors that are here:
 ‘There are twenty lots taken up in the town, by other
 ‘people. I engage all to build a house of thirty feet
 ‘long, and eighteen broad, and eighteen feet high to
 ‘the raising; to be finished within a year; to pay for
 ‘laying out, forty shillings a lot, and four pence per
 ‘annum, quit-rent; There are several begun already
 ‘to build. I have laid out forty or fifty acres for the
 ‘governor’s house: The highway and wharff, between
 ‘the river 100 feet broad; and to leave a row of trees
 ‘along

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' along upon the river, before the houses, for shade and
 ' shelter, exceeding pleasant. I have agreed for two
 ' houses of like dimensions, to be built for the pro-
 ' prietors; and also a house for the governor, of
 ' sixty-six feet long, and eighteen broad: if one quit
 ' rents come in, I intend three or four houses
 ' more, for the proprietors: I can easily let them.
 ' This work took me up five weeks: After I had
 ' finished it, I set the people to work, Scotch
 ' and English, about fifty persons; some preparing
 ' for building, others to clearing ground to get corn
 ' sown this spring: Then came in a boat privately
 ' to Elizabeth-Town the 12th past: Next morning
 ' I went to New York to visit the governor; staid
 ' there two or three days; he was very kind, and
 ' promised a fair correspondence: so I did not publish
 ' my commission until this day, before the council;
 ' they have been kind and courteous. Now is the
 ' time to send over people for settling: there are 30,000
 ' acres of land in several places, belonging to the pro-
 ' prietors, formerly taken up by Carteret: So here
 ' is land enough. The Scots and William DeLewins
 ' people coming now and settling, advance the pro-
 ' vince more than it hath been advanced these ten
 ' years: Therefore proprietors, send over some families
 ' and servants; I shall presently set them out land, and
 ' it will bring them in considerable profit, in a
 ' few years: Here wants nothing but people. There
 ' is not a poor body in all the province, nor that wants;
 ' here is abundance of provision; pork and beef at
 ' two pence per pound; fish and fowl plenty: Oysters
 ' I think would serve all England: Wheat four shil-
 ' lings sterling per bushel; Indian wheat two shillings
 ' and six pence per bushel; it is exceeding good for
 ' food every way, and two or three hundred fold in-
 ' crease: Cyder good and plenty, for one penny per
 ' quart. Good drink that is made of water and mol-
 ' lasses, stands in about two shillings per barrel,
 ' wholesome like our eight shilling beer in England:
 ' Good venison plenty, brought us in at eighteen

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‘pence the quarter: Eggs at three pence per dozen;
 ‘all things very plenty; land very good as ever I
 ‘saw: Vines, walnuts, peaches, strawberries, and
 ‘many other things plenty in the woods. The pro-
 ‘prietors have 150 or 200 acres, three miles from
 ‘the town, up Rariton river salt marsh, where I
 ‘intend to let the people of Amboy cut grass for hay
 ‘until we otherwise order it by lots to them: I
 ‘reckon there is laid out for the town, governor’s
 ‘house and publick highways, near or about
 ‘200 acres; so there rests 1800 acres. I laid out
 ‘400 acres, as I said; the rest to lie in common
 ‘until divided: I have put two houses in repair, upon
 ‘the river, called the point, two miles from Elizabeth
 ‘Town; have let one of them, with ten acres of
 ‘pasture ground, and ten acres of woody ground, for
 ‘seven years, at twenty-six pounds per annum; the
 ‘man to clear the ten acres of woody ground, and
 ‘make it fit for ploughing or pasture. I intend to let
 ‘the other also, with some land: All the houses were
 ‘like to drop down; all the land lying without fence;
 ‘and a barn quite fallen down, and destroyed;
 ‘another without any cover; and that other next to
 ‘the house where I dwell, all to pieces; and all the
 ‘fences and out-houses were down, but repaired before
 ‘I came. I am setting up a ferry boat at Perth, for
 ‘men and horses, to go and come to Burlington and
 ‘Pennsylvania, and New-York: Also I am treating
 ‘with one, to set up a house midway to Burlington,
 ‘to entertain travellers, and a ferry boat to go to New-
 ‘York; all which is for promoting Perth, that being
 ‘the center: Also you should give me power to set out
 ‘a line, between the governor of New-York and us;
 ‘he calls on me for it, because several plantations on
 ‘the river are settled, and we know not yet on what
 ‘side they will fall; so I cannot at present mention all
 ‘particulars, which you must supply, by some general
 ‘clauses or words; for it is not possible for you to
 ‘understand what is for the good of the province, as I
 ‘do, that am here; and be not sparing to send over
 ‘people,

‘people, it will bring you it again, with large profits;
 ‘for here is a gallant plentiful country, and good land.
 ‘I have given you a large account of the little time I
 ‘have been here: I have none to write for me, but
 ‘you must send a copy of this to Scotland; and with
 ‘it your further instructions, to be signed and sent
 ‘me forthwith: I will be bound till it come; I rest
 ‘your friend, sic subscribitur,

GAWEN LAWRIE.

The same to a friend in London.

‘East-Jersey, 1st month 26th, 1684.

‘I promised to write but had not time till now; I
 ‘shall give thee a brief account of the country, no fiction,
 ‘but truth: It is beyond what I expected; it is situate
 ‘in a good air, which makes it healthy; and there is
 ‘great conveniency for travelling from places through
 ‘and about the province, in boats from a small canoe,
 ‘to vessels of thirty, forty or fifty tun, and in some
 ‘places one hundred in the bay coming up to Amboy-
 ‘point, where the town of Perth is now in building,
 ‘a ship of three hundred tun may easily ride close
 ‘to the shore within a planks length of the houses of
 ‘the town, and yet the land there, nor other in the
 ‘province is not low, swampy, marshy ground, but
 ‘pretty high ground, rising from the water side at
 ‘Amboy-point. The bank of the river is twenty
 ‘foot, in some places thirty, and in some forty foot
 ‘high, and yet hath many conveniencies for landing
 ‘goods: The soil is generally black, in some places a
 ‘foot deep, beareth great burdens of corn, and
 ‘naturally bringeth forth English grass, two years
 ‘ploughing the ground is tender, and the plough-
 ‘ing is very easy: The trees grow generally not
 ‘thick, but some places ten, in some fifteen, in
 ‘some twenty-five or thirty upon an acre: this I find
 ‘generally, but in some particular places there is one
 ‘hundred upon an acre; but that is very rare: The
 ‘trees are very tall and straight, the general are oak,
 ‘beech,

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‘beech, walnut, chesnuts and acorns lie thick upon
 ‘the ground, for want of eating; peaches, vines,
 ‘strawberries and many other sorts of fruit grow com-
 ‘monly in the woods; there is likewise guntree, cedar,
 ‘whitewood like our fir tree, walnuts, chesnuts and
 ‘others lie thick on the ground; there is great plenty
 ‘of oysters, fish, fowl; pork is two pennies the
 ‘pound, beef and venison one penny the pound, a
 ‘whole fat buck for five or six shillings; Indian corn
 ‘for two shillings and six pence per bushel, oats twenty
 ‘pence, and barley two shillings per bushel: We have
 ‘good brick earth, and stones for building at Amboy,
 ‘and elsewhere: The country farm houses are built
 ‘very cheap: A carpenter, with a man’s own servants,
 ‘builds the house; they have all materials for nothing,
 ‘except nails, their chimnies are of stones; they
 ‘make their own ploughs and carts for the most part,
 ‘only the iron work is very dear: The poor sort set
 ‘up a house of two or three rooms themselves, after
 ‘this manner; the walls are of cloven timber, about
 ‘eight or ten inches broad, like planks, set one end to
 ‘the ground, and the other nailed to the raising, which
 ‘they plaister within; they build a barn after the same
 ‘manner, and these cost not above five pound a piece;
 ‘and then to work they go: Two or three men in one
 ‘year will clear fifty acres, in some places sixty, and
 ‘in some more: They sow corn the first year, and
 ‘afterwards maintain themselves; and the increase of
 ‘corn, cows, horses, hogs and sheep comes to the land-
 ‘lord: Several merchants of New-York have left their
 ‘several plantations there, to come to East-Jersey, two
 ‘or three may join together, with may be twelve, fifteen
 ‘or twenty servants, and one overseer, which cost them
 ‘nothing for the first year, except some shoes, stock-
 ‘ings and shirts: I have been to see these plantations, and
 ‘find they have a great increase by them, they main-
 ‘tain their families at New-York with all provisions, and
 ‘sell a great deal yearly; and for servants, our English
 ‘people are far better husbandmen than the New-Eng-
 ‘landmen; the servants work not so much by a third
 ‘as

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'as they do in England, and I think feed much better;
 'for they have beef, pork, bacon, pudding, milk, but-
 'ter and good beer and cyder for drink; when they are
 'out of their time, they have land for themselves, and
 'generally turn farmers for themselves: Servants wages
 'are not under two shillings a day, besides victuals; and
 'at Amboy-point two shillings and six pence per day:
 'At Amboy we have one setting up to make malt, but
 'we want a brewer; I wish thou would send over some
 'to set up a brewhouse, and a bakehouse to bake bread
 'and bisket; for a bisket maker we must have, to vend
 'our meat to the plantations: Send over some hus-
 'bandmen and country fellows that plough, sow, reap,
 'thresh, and look after cattle; a carpenter or two, and
 'a smith for ploughs and horses; and a cooper which
 'we want very much: If thou will send a dozen of
 'servants, most of them countrymen; I will set thee out
 'a gallant plantation of five hundred or one thousand
 'acres, on a river side; but thou must send over some
 'goods to stock it withal: I desire thee to encourage
 'some of our friends, especially the proprietors, to
 'send over some servants to stock some land; and when
 'they have cleared it, if they have a mind to let it,
 'here are tenants to take it, and if they will sell it,
 'here are also purchasers: There is one man since I
 'came here, sold his plantation for fifteen hundred
 'pound; the whole was sixteen hundred or eighteen
 'hundred acres, whereof only one hundred and twenty
 'acres were cleared; upon which he had a house, gar-
 'den, and orchard, and barn planted: I know several
 'men who let cleared land at six shillings and eight
 'pence, and at ten shillings the acre, yearly rent; which
 'is a good encouragement for sending over servants to
 'plant: I write not this as an idle story, but as things
 'really and truly are: I have sent for servants myself
 'to settle a farm; for if the proprietors will not do so,
 'I see not what they can expect. The Scots have taken
 'a right course, they have sent over many servants,
 'and are likewise sending more; they have likewise
 'sent over many poor families, and given them a small
 'stock;

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‘stock; and these families, some for seven, some for
‘ten years, give the half of their increase to the land-
‘lord, except the milk, which the tenant hath to him-
‘self. I have set them out land and they are at work :
‘I believe they will have forty acres cleared this spring
‘and this summer : I am to set them out more, so that
‘in a short time they will have a great increase coming
‘in : This will raise the price of the land here, and is
‘the reason that several from New-York bounds come to
‘me to take up land, for they believe now this province
‘will be improving, and our land is better than theirs ;
‘that every proprietor’s sending over ten people, will
‘also be a great advantage to himself; encourage others
‘to take up land and bring all the division that hath been
‘here, to an end ; for these men seeing that they shall
‘be ballanced, are already more compliant than they
‘were ; now I have laid these things before thee, and
‘desire thee to impart them to some of the proprietors
‘and other friends, that they may consider of the same.
‘I am thy loving friend, sic subscriptur.

GAWEN LAWRIE.

From John Barclay, Arthur Forbes, and Gawen
Lawrie, to the Scots proprietors, of the same date.

‘Knowing you expect from us an account of this
‘country; we have for your encouragement, and for
‘the encouragement of all our country-men, who
‘may be inclineable to come into this country, given
‘you this brief and true account of it, according as
‘we have seen and are credibly informed ; for having
‘seen little, yet save the winter season, we must
‘write what is to be seen in summer upon information,
‘which we have just ground to believe to be true ;
‘because whatever we have seen already in it (notwith-
‘standing all we heard of it before we came) surpasses
‘our expectation in many things. The air in this
‘country is very wholesome, and though it alters sud-
‘denly, sometimes being one day hot and another cold ;
‘yet people are not so subject to catch cold or be distem-
‘pered by it as in our country of England. The
‘land

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‘land lies for the most part pretty high, but on the
‘river and creek sides, are many meadows which lie
‘low, from which the country people get their hay,
‘whereby their stocks are maintained in the winter
‘season. Provisions here are plentiful and cheap; there
‘is beef, pork, venison, mutton, fowl and fish, abun-
‘dantly to be had at easy rates; and for drink
‘they have good beer and cyder; and those that are
‘desirous, may have wine of several sorts and other
‘kinds of strong liquors; so that we see little wanting
‘that a man can desire; and we are here sure that a
‘sober and industrious people might make this a rich
‘country, and enrich themselves in it; especially
‘poor people, who are hard put to it to gain bread at
‘home, notwithstanding the excessive labour; for
‘we see that people here want nothing, and yet their
‘labour is very small; they work not so hard by one
‘half as the husbandmen or farmers in our country;
‘and many of these who have settled here upwards of
‘sixteen years, have lived upon the product of the
‘land, they cleared the first two years after they
‘came (and cleared none since) which produceth not
‘only corn to maintain their own families, but sell
‘every year; and the increase of their bestial, whereof
‘they have good store of several sorts; cows, oxen,
‘horses, sheep and swine, yields them other provisi-
‘ons, and to sell besides; yet there be some more
‘industrious among them, who have continued clear-
‘ing and improving land; and these have got estates,
‘and would not sell their plantations for several hun-
‘dred pounds. We have been lately up a little way on
‘the Rariton river, but could not go so far as we
‘intended, being prevented by rainy weather; but so
‘far as we went, was very rich land, and yet that
‘above it is said to be richer; a great deal of it is
‘naturally clear of wood, and what is not so, is easily
‘cleared, the trees being but small and at a good
‘distance from one another; so that the land yet
‘untaken up, so far as we can understand, is easier to
‘clear, than that which is taken up. The towns that are
‘already

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‘already seated, being in woodiest places: The
 ‘merchants in New-York, both Dutch and English,
 ‘have many of them taken up land, and settled plan-
 ‘tations in this country; and several from that colony
 ‘are desiring to come and take up land among us;
 ‘though they might have land in their own colony
 ‘without paying quit-rents. The wood here is not so
 ‘hard to clear as many think, they do not pull it up
 ‘by the roots, but cut them about a foot or more from
 ‘the ground, and one man may cut down many in a
 ‘day; four of our men the first day they began, cut
 ‘down seventy the best trees they could find fit for
 ‘building: There are not many of great trees, but
 ‘straight and tall, and there be many sorts, oak,
 ‘walnut, chesnut, cedar, poplar, gum-trees, firs,
 ‘pines, birch and beech, and other sorts, which we
 ‘remember not at present. There are many good
 ‘orchards of fruit trees, and they make abundance of
 ‘good cyder, especially at one town called Newark,
 ‘which is esteemed at New-York and other places,
 ‘where it is sold beyond any that comes from New-
 ‘England: There are peaches and vines grow wild
 ‘about the river sides, which in season bear good fruit,
 ‘and grapes; and there are strawberries over all the
 ‘woods, and many other kind of good fruits, and at
 ‘Amboy point and several other places; there is
 ‘abundance of brave oysters; there will be many
 ‘houses built there quickly, for many have taken up
 ‘lots, and all that have taken are obliged to build
 ‘within a year: There is good encouragement for
 ‘tradesmen to come over; such as carpenters, masons,
 ‘and bricklayers, for they build not only of wood,
 ‘but also of stone and brick; yet most of country
 ‘houses are built of wood, only trees split and set up
 ‘one end in the ground, and coverings to their houses,
 ‘are mostly shingles, made of oak, chesnut and cedar
 ‘wood, which makes a very neat covering; yet there
 ‘are some houses covered after the Dutch manner, with
 ‘panticles. The towns are all settled upon rivers
 ‘where vessels of thirty or forty tuns may come up to
 ‘their

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'their doors, and the out plantations generally upon
 'some brook or rivulets, which are as plenty here
 'as in our own country, and curious clear water, and
 'in many places are good spring wells, but in the
 'towns every man for the most part has a well digged
 'on his own land: Among all the towns that are
 'settled, none lieth so convenient for trade as New-
 'Perth; for ships of great burden may come up
 'close to the houses, and may come up in any time in
 'the winter: There came a ship of three hundred tuns
 'in there this winter, in the hardest frost we had and
 'lay hard by the town, so near that she was tied to a
 'tree. The land here brings forth most sorts of Eng-
 'lish grain, and great increase; wheat, rie, barley,
 'oats and other sorts of grain, such as Indian corn,
 'which is very good and wholesome kind of grain;
 'and also buck-wheat; and those corns are to be had
 'at easy rates, either for money or goods, and those
 'that have not money or goods may have abundance
 'for their work: We shall now answer as far as we are
 'capable, your queries.

'To the first we cannot positively give an account
 'of the whole length and breadth of the province;
 'but we are informed that it is a great deal broader
 'than ye expected; for those that have travelled
 'from the extent of our bounds on Hudson's river,
 'straight over to the Delaware say it is 100 miles
 'or upwards; we shall know that certainly after a while;
 'for the line betwixt us and New-York, is to be run
 'straight over to Delaware river, about three weeks
 'hence; and after that the line betwixt us and West-
 'Jersey; after which we shall be able to give a true
 'account of the bounds of that province.

'2. When the bounds is so exactly laid out, we can
 'the easier guess at the number of acres, and by that
 'time may be able to give an account what number of
 'acres is already taken up; but there is no fear of
 'want of land.

'3. The quantity of meadow ground, we cannot
 'determine, having travelled as yet, but little in the
 'province

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‘ province; but the way we have travelled there is
‘ meadow in abundance, both on the water sides and
‘ on the upland.

‘ 4. There is also other good ground in some places,
‘ great quantities free of wood, which is fit either for
‘ corn or grass; and the ground all over brings forth
‘ good English grass naturally, after it is ploughed.

‘ 5. There are also commons upon the country, but
‘ what quantity we cannot tell; there is little kept in
‘ them save wild horses, which the people take up
‘ when they have occasion: there is also land fit for
‘ pasturage for sheep; and there is sheep in the coun-
‘ try, but what number the ablest planters have we
‘ know not, but some we see have good flocks.

‘ 6. An exact map of the country is not yet drawn,
‘ nor can you quickly expect it, for it will take up a
‘ great deal of time, charge and pains to do it.

‘ 7. There are also hills up in the country, but how
‘ much ground they take up we know not; they are
‘ said to be stony, and covered with wood; and
‘ beyond them is said to be excellent land.

‘ 8. To the eighth we cannot answer as yet.

‘ 9. There be people of several sorts of religions,
‘ but few very zealous; the people, being mostly New-
‘ England men, do mostly incline to their way; and
‘ in every town there is a meeting-house, where they
‘ worship publickly every week: They have no publick
‘ laws in the country for maintaining publick teachers,
‘ but the towns that have them, make way within
‘ themselves to maintain them; we know none that
‘ have a settled preacher, that follows no other employ-
‘ ment, save one town, Newark.

‘ 10. The method of building their houses is men-
‘ tioned already.

‘ 11. There are not many out plantations that are not
‘ within the bounds of some town; yet there be some,
‘ and those are the richest; what number there are we
‘ know not; some have great quantities of land, and
‘ abundance cleared.

‘ 12. The

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'12. The richest planters have not above eight or ten servants; they will have some of them a dozen cows; yea, some twenty or thirty; eight or ten oxen; horses more than they know themselves; for they keep breeding mares; and keep no more horses at home than they have occasion to work; the rest they let run in the wood both winter and summer, and take them as they have occasion to use them: Swine they have in great flocks in the woods; and sheep in flocks also; but they let them not run in the woods, for fear of being destroyed by wolves: Their profit arises from the improvement of their land, and increase of their bestial.

'13. There will be in most of the towns already settled, at least 100 houses, but they are not built so regular as the towns in our country; so that we cannot compare them with any town we know in Scotland: Every house in the town hath a lot of four acres lying to it; so that every one building upon his own lot, makes the town irregular and scattered: Their streets are laid out too large, and the sheep in the towns are mostly maintained in them; they are so large that they need no trouble to pave them.

'14. Betwixt Sandy-Hook and Little Egg-Harbour, lie two towns, Middletown and Shrewsbury: There is no land taken up that way, but what is (now) in the bounds of these two towns; what kind of land it is we know not, having never travelled that way: Barnagat or Burning-Hole, is said to be a very good place for fishing; and there is some desiring to take up land there, who inform that it is good land, and abundance of meadow lying to it.

'15. There are no fishermen that follow only that trade, save some that go a whaling upon the coasts; and for other fish there is abundance to be had every where through the country, in all the rivers; and the people commonly fish with long sives or long nets, and will catch with a sive, one, sometimes two barrels a day of good fish, which they salt up mostly for their own use, and to sell to others.

'16. There

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16. There are no ships belonging to this province particularly, or built here, save one which Samuel Groome built here the last summer, which stands yet on the stocks; (a stop being put to it by his death) there is conveniency enough to build ships: The ships in this part trade mostly to the West-India islands, and some to Newfoundland, where the provisions of this country vends.

17. There is land here in several places, after it is cleared and brought into a farm set out for rents, as in our country, at five, eight, and ten shillings per acre, according to the goodness and situation of the said land; and those that will be at the charge to clear land, may get tenants to take upon these terms; but whether it will turn to good account or not, because little experienced as yet, with the charge of clearing of land, I will not positively inform.

18. There are several places of the country fit for mills; and several, both corn and saw mills already set up, and good encouragement to set up more.

19. The acres are here reckoned according to the English account; sixteen feet to the rood, twenty long, and eight broad makes an acre: One English butt of wheat, which is eight English gallons, or Scots quarts, commonly sows an acre; two bushels of barley also an acre; and two bushels of oats an acre and half: English peck, which is four English quarts or Scots shopeus of Indian corn, plants one acre.

20. There are but few Indian natives in this country, their strength is inconsiderable, they live in the woods, and have small towns in some places far up in the country; they plant a little Indian corn, shoots deer, and other wild beasts and fowls for their food: They have kings among themselves to govern them; for religion they have none at all; they do not refuse to sell lands at occasion. The prices of grain and other provisions here at present; Indian corn two shillings and six pence the bushel; wheat four shillings; rie three shillings; oats one shilling
'and

‘and eight pence; beef one penny; pork two pence;
 ‘venison one penny; mutton three pence the pound,
 ‘this English measure and weight; but mark, these
 ‘things being valued in this country money, there
 ‘is a fifth part difference betwixt it and sterling
 ‘money; so that wheat being valued here at four
 ‘shillings the bushel, is but three shillings and three
 ‘pence sterling, and so of the rest proportionably.

‘Here you have an account of things, as far as
 ‘we are capable to give at present; with which we
 ‘hope you will be satisfied, while further opportunity
 ‘and better experience give us occasion to write more;
 ‘and so we rest your friends and well wishers to all our
 ‘countrymen; sic subscribitur,

‘Elizabeth-Town, in Essex-Jersey,)	JOHN BARCLAY.
‘the 29th of the first month, called)	ARTHUR FORBES.
‘March, 1684.	

This I have heard read, do also subscribe to the truth
 thereof, and rests

G. L.

CHAP. XI.

Manner of the West-Jersey Government in 1684: Their unsettled state, and succession of governors: Danger of suffering for want of food in 1687: The division line run by G. Keith; and agreement between the governors Core and Barclay: Alteration in the manner of locating lands in West-Jersey, and the method now in use fixed: No person in West-Jersey to purchase from the Indians, without the consent of the council of proprietors; and instructions respecting deeds and warrants for taking up lands.

THE assembly of West-Jersey at their meeting the 20th of the third month, this year chose Thomas Olive governor, and chairman or speaker; in both which capacities the governor now acted; the several Olive branches of the legislature we have seen doing their business in common together; the peoples choice the foundation

A. D.
1684.

foundation of the whole, whose representatives were distinctly returned from their respective first, second, third and Salem tenths, (which were all the tenths yet settled) at their first meetings they chose the governor, council, commissioners to lay out land, and all the other officers of government.

1685.

Olive had been twice governor of West-Jersey before, and continued on the last choice in that station for a year past;^g but Byllinge having desisted from the claims which the assembly and their constituents had thought unjust, and which had been the cause of their undertaking in opposition to him to choose the governor, and he in this year sending a fresh commission to John Skeine to be his deputy,^h the assembly and people submitted to him, tho' they had before refused William Welsh in that capacity, while Byllinge continued the claims aforesaid: Skeine died in the twelfth month 1687; but Dr. Daniel Cox, of London, the greatest proprietor of West-Jersey,ⁱ was the September before appointed to succeed him; he continued in that station till about the year 1690,^k having appointed

Skein.

Welsh.

Dr. Coxe.

g. His salary was twenty pounds a year.

h. Skein's salary beside the fees, was said to be thirty bushels of rye.

i. He own'd twenty-two shares of propriety.

k. Governor Coxe soon after his appointment to that station, wrote the following letter to the council of proprietors of West-Jersey. 'After Mr. Bylling's decease, his heirs were greatly ignorant of his concerns relating unto West-Jersey, and therefore resolved to sell his interest both in government and property; and that they had begun to treat with a person who would probably have made the condition of the proprietors and inhabitants very uneasy: I and another of the chief proprietors having together a very great share of the country, applied ourselves for advice unto the lawyers, being assured by the most eminent that however Bylling's concessions might in conscience bind him during his life; they were not always obligatory to a purchaser or successor, because said concessions were made before his right of government was granted; we thereupon consulted with several proprietors and others, well wishers to your colony,

pointed Edward Hunloke his deputy; sometime afterwards a commission was sent to John Tatham, who

A. D.
1685

‘colony, amongst whom it was agreed and resolved to be for the
 ‘good of your country, and our own security, that one amongst us
 ‘should purchase from the heirs of Mr. Byllinge, all his, and their
 ‘interest in property and government; and because my proportion
 ‘of land was greater, or that they apprehended me capable of serv-
 ‘ing them, or to have more money at command, or because they
 ‘had ever perceived me to be zealous and active to promote the
 ‘good of the province: I was earnestly pressed and requested to make
 ‘a purchase of the government and properties annexed thereunto,
 ‘wherewith having complied, that I might demonstrate the disente-
 ‘restedness of my undertaking; and that I did primarily propose
 ‘the welfare and benefit of the people, and prefer it to my private
 ‘advantage. I did many times proffer Mr. Penn, Mr. Ford and
 ‘others, who pretend to understand most of your minds, what was
 ‘for your good, and to be as it were kind of trustees for you:
 ‘That if they would contrive any method, whereby the govern-
 ‘ment might be legally and severally invested in the proprietors, or
 ‘people without a governor; or if they would find any person
 ‘more fit to discharge the office of government, or who might prove
 ‘more acceptable to the people than myself; I was willing to con-
 ‘sign or reconvey all my estate, power, authority as I had received
 ‘it and upon the same condition, not desiring the least advance
 ‘beyond what they all know I had disbursed; but not finding any
 ‘proposal to meet with any other return, than an invitation to
 ‘proceed, and good wishes that I might therein prove successful;
 ‘and finding that all the proprietors in or near London, whom I
 ‘could convene, were greatly satisfied with my conduct, encou-
 ‘rageing me to expect they would meet with like acceptance
 ‘from the proprietors and inhabitants of West-Jersey: I thereupon
 ‘thought fit to recommunicate unto you the whole transaction of
 ‘this affair; as likewise what I expect from you the proprietors
 ‘and inhabitants of West-Jersey; and what you may reciprocally
 ‘challenge from me: I do therefore hereby give you to understand,
 ‘that whereas all the gentlemen of the law, who have been
 ‘hitherto consulted, do unanimously agree, that the government
 ‘of the province of West New-Jersey, is legally in me as full as
 ‘Pennsylvania in Mr. Penn, or East-Jersey in the proprietors
 ‘there: I thereupon assumed the tide of governor, and lay claim
 ‘to the powers and authority thereunto annexed; and I am resolved
 ‘by the assistance of Almighty God, to exercise the jurisdiction by
 ‘his royal highness, his last deed or grant unto me conveyed, with
 ‘all integrity and faithfulness and diligence, for the benefit and
 ‘welfare of those, over whom divine providence hath constituted
 ‘me (under our sovereign) superintendent or chief overseer;
 ‘always preferring publick emolument, before my own private
 advantage

A. D.
1683.

who being a jacobite ; and as such by principle disqualified, him the assembly rejected ; on which the proprietors

‘ advantage ; and may I succeed in my undertakings, well or ill, according as I pursue or violate this resolution and engagement ; and I am contented this my declaration be recorded, that it may continually reproach and condemn me if I ever recede therefrom. And whereas Mr. Byllinge, in his former concessions, hath given his consent, and ratified diverse laws in the said grant, stiled fundamentals ; the first concerning liberty of conscience, the second, that no person shall be deprived of life, limb, estate, property, privilege, freedom, franchises, without a due trial and judgment, passed by a jury of twelve good and lawful men in the neighbourhood ; the person excepting, if he please, against thirty-five, without any reason rendred, and more if he assign a just cause : I hereby declare, that I do in my heart highly approve the said fundamental laws and concessions, and am ready to confirm them ; and withall, I do faithfully promise, that to the utmost of my ability, I will cause them to be most inviolably observed, as also those three fundamentals after mentioned. If your assembly shall desire the continuance of them, and that it appears, nothing is therein contained contrary to the laws of England, which extend to our colony ; by the breach whereof, we inevitably expose ourselves unto the forfeiture of our charter, which, next to the blessing of God, and protection of our prince, is our greatest comfort and security ; and that you may all become fully satisfied : I do not intend to arrogate unto myself any absolute despotic power. I have thought fit to add, that whereas it is generally acknowledged by all intelligent disinterested persons, the government of England by a sovereign prince, upon weighty considerations of making or repealing laws, levying taxes, consulting with his parliament, is the best of constitutions, and diverse of our English plantations, having in imitation hereof joined with the governor and assembly or parliament : I do hereby declare my full and free approbation of such constitution in your province, and I shall confer upon your assembly, all the powers and privileges consistent with the ends of good government, the redressing grievances, and promoting the peace and prosperity of the province ; and I make my request you would with all convenient speed, transmit unto me your proposals, both in order unto the establishing a regular and durable method of convening assemblies, and what power you desire should be intrusted with them : And because assemblies have been hitherto convened only annually, except upon some solemn urgent occasion, it hath been customary for the governor or his deputy, to act in affairs of importance during the recess of assemblies, with the advice of a council, I would desire you to give me to understand, how you expect and desire such council shall be chosen : whether you will acquiesce in
‘ the

prietors sent a commission in 1692, to Andrew Hamilton

A. D.
1685.
Hamilton.

'the governor's nomination, or whether you desire the assembly
'should have any share in their election, also in case of succession
'upon decease or misbehaviour; and whether the council shall be
'annual, biennial or triennial, or during life; if understanding,
'faithful and diligent in discharging of their trust: I shall in all
'these, and any other particulars, which shall manifestly appear
'to make for publick utility, not only have a great deference
'for your opinion and advice, but readily comply with and your just
'reasonable expectation and requests.---Thus having without
'reserve or disguise, declared unto you my sentiments concerning
'government, I proceed to affairs of another nature; but of little
'less moment: It is the fixed persuasion of diverse intelligent
'persons, that your province both deeply suffered, and is stunted in
'its growth for want of ascertaining its limits, and fixing a boundary
'between it, East Jersey, and New-York; that thereon a subdivi-
'sion might be made of the country, into one hundred proprie-
'taries, as was originally agreed, thereby appropriating unto every
'gold purchaser his portion in specie: I have inclosed an
'account of my transactions with the proprietors of East Jersey,
'many of whom being persons before well affected unto me, I
'have highly disoblged, upon my refusal to comply with their
'claim, upon the last pretended agreement; all which, and much
'more, in like occasion should require, I shall readily conflict
'with, and cheerfully undergo, for the good of our little, yet unto
'me, dear community, which I shall love, cherish, and endeavour
'to support and maintain, as if they were members of my own
'private family: Lastly, I do confirm all those persons who were
'appointed by Mr. Byllinge, or chosen by the people in their
'respective places and employments, until I further learn from
'you the state of your colony, unless by some new advice and very
'extraordinary motives I should be obliged to make an alteration,
'which should it happen, you may all rest assured, I shall have a
'tender regard unto your welfare and satisfaction: And now
'nothing remains besides our supplicating with united minds, the
'allwise God, to grant us the wisdom which is pure and peaceable,
'to enable us methodically to order our affairs with discretion; that
'we may act, industriously, regularly, cheerfully, in the several
'stations and employments his divine providence hath allotted us,
'considering we are one body, and members one of another; that
'no injury can happen to a part which will not redound in some
'to the hurt of the whole: For my own particular, I can appeal
'unto the searcher of hearts, that I do sincerely and primarily
'design the prosperity of your province, in its peace, security and
'plenty; and that it may be so settled, as that you may not only
'live happily during my administration, but that it may not be in
'the power of any future governor, deriving from me, even to
'hinder the due execution, much less to repeal those laudable
'constitutions

A. D.
1685.

ton.^L He was accepted and continued governor of West-Jersey, while it remained under the proprietary jurisdiction, tho' with some interruption in 1698, of which hereafter; being also some part of the time governor of both East and West-Jersey, and Pennsylvania.

Law
against
swords,
&c.

The year 1686, seems to have been a dangerous one in East-Jersey, if the law then passed against wearing swords was properly founded: According to that, several persons had received abuses, and were put in great fear

'constitutions, which with your advice and assistance I hope to establish: And on your parts, I expect and promise myself a ready compliance with whatsoever shall be proposed for the publick good: That instead of factions and divisions, there be a generous emulation amongst you, who shall promote the welfare of our community: That you be mutually tenderly affectioned one towards the other; and though you may differ in opinions, concerning things of lesser moment, yet continue united in affection, as being servants to the same God, subject to the same prince, and having one common interest; often remembering, that by unanimity and concord, diverse nations have been advanced from contemptible beginnings, unto great wealth and power; whereas by discord, mighty empires have been broken and ruined, without the accession of external force: That the God of peace and love would unite, preserve and prosper you, is the frequent, fervent, and shall continue to be, the constant request, of your most affectionate friend,

DANIEL COXE.

'September the 5th, 1687.

L. His salary in 1695 and 1696, was two hundred pounds a year as governor of West Jersey; but the salary in both East and West-Jersey seems in some periods, to have been rather occasional: In the latter province in 1697, provision was made for two hundred pounds by a law, with the following preamble, 'Being sensible of the many great services done by our present governor, Col. Andrew Hamilton, since his accession to the administration of the government of this province; and taken also into our consideration, the great charge that must attend any person in that post, and how little hath yet been done by us answerable to his merit and station; we find ourselves obliged in point of gratitude, and in testimony of our affection to him, and as a demonstration thereof, to offer as is hereafter expressed; and pray our governor's acceptance thereof from a poor people, whose good-will and regard to him is not to be measured by the value of our offering, but integrity of the offerers.' The salary of the governor of East-Jersey in 1694, 1695, and 1696, was one hundred and fifty pounds per annum.

fear from quarrels and challenges; to prevent it for the future, none by word or message, were to make a challenge, upon pain of six months imprisonment without bail or mainprize, and a ten pound fine; whoever accepted or concealed the challenge, was also to forfeit ten pounds; no person was to wear any pocket pistols, skeins, stilladers, daggers or dirks, or other unusual weapons, upon pain of five pounds forfeiture for the first offence, and for the second to be committed; and on conviction imprisoned for six months, and moreover to pay a fine of ten pounds; no planter was to go arm'd with sword, pistol, or dagger, upon penalty of five pounds. Officers, civil and military, soldiers in service, and strangers travelling upon lawful occasions, were excepted. This law for any thing that appears, is yet in force.

A. D.
1686.

The settlers in both West Jersey, and Pennsylvania, about the year 1687, were put to difficulties on account of food; their crops having in great part failed; several families had already spent their last, and were forced to subsist on what was spared by such of their neighbours as were better provided; these were few in proportion to the mouths to be filled: Some nigh the rivers had lived weeks upon fish, others were forced to put up with herbs; but unexpectedly to many arrived a vessel from New-England to Philadelphia, laden with corn, which proved an agreeable supply; this vessel meeting with a good market others soon followed; so that the settlers were not afterwards exposed to the like necessity for want of food.

1687.

Food
scarce.

In this year, George Keith, surveyor-general of East-Jersey, by order of the proprietors there, attempted to run the division line between East and West-Jersey; pursuant to an award on the terms established in the
quinti-

Keith's
line.

A. D.
1687.

Traversed
by Chap-
man.

quintipartite deed.^m He began with a line from little Egg Harbour, north by west and three degrees five minutes more westerly, as the compass then pointed for a part; the line he run sixty miles in length, till he fell upon the corner of Dobie's plantation, on the south branch of Rariton: This, by order of the council of proprietors of West-Jersey, in or about the year 1721, was traversed by John Chapman, esteemed a careful surveyor; upon the computation it appeared, that the line at the time of his traverse, was north sixteen degrees and forty three minutes west, which leaves a variation of two degrees and twenty three minutes in that thirty-four years. The remaining part of Keith's line was from Dobie's plantation, along the rear of that and other tracts and plantations, as they were before patented and surveyed in right of the proprietors of the eastern division of New-Jersey, until it intersects that part of the north branch of Rariton river, which descends from a fall of water, commonly called and known by the Indian name of Allamitung then running from that point intersection up the branch of stream of the fall of Allamitung.

Upon the original running this line, the western proprietors thought too much of their best lands were surveyed to the eastward; and were uneasy with it.

1688.

In the fall 1688, the governors of East and West-Jersey, on behalf of each division, entered into the following agreement.

Agree-
ment be-
tween the
governors
Coxe and
Barelay.

‘ London, September 5, 1688.

‘ It is agreed this day, by Dr. Daniel Coxe, governor
‘ of the province of West-Jersey, on behalf of himself,
‘ and all the rest of the proprietors of that province, on
‘ the one part; and Robert Barelay, governor of the
‘ province of East-Jersey, on behalf of himself and all
‘ the

^m See this deed, vol. i. of laws, p. 63, &c.

‘the rest of the proprietors of that province, on the
‘other part; as followeth, *viz.*

A. D.
1688.

‘For the final determination of all differences, concerning the deed of partition; and all other disputes
‘and controversies about dividing the lands, and settling the bounds between East and West-Jersey.

‘1. The line of partition run strait from little Egg-Harbour, to the most westerly corner of John Dobie’s
‘plantation, as it stands on the south branch of Rariton river, shall be the bounds so far between East and
‘West-Jersey, and shall not be altered; but remain as it
‘stands, on a printed draught of the proprietors lands,
‘surveyed in East-Jersey, and drawn by John Reid,
‘and since printed here.

‘2. From thence to run along the back of the adjoining
‘plantations, until it comes to James Dundass his
‘plantation; and from thence, at the most north westerly
‘part thereof, a line to lye down with a line on the
‘back of those plantations, and so to run north eastward,
‘till it touch the north branch of Rariton river, as it is
‘struck upon the map already; but saving the plantations
‘already laid out, to be within the line, if they
‘happen to stand a little more westerly than that line
‘is marked.

3. ‘From the north end of the line, where it touches
‘Rariton north branch; thence forward the largest
‘stream or current of water belonging to the said north
‘branch, shall be the bound or partition; and so continuing
‘along the same, unto the north end thereof,
‘for the bounds so far.

4. ‘From the said north end of the branch, a short
‘strait line to run to touch the nearest part of Passaick
‘river; and so following the course of that river,
‘continuing Poquanick river, so long as it runs northerly
‘or north westerly; those rivers still to be the
‘bounds between both provinces; and if Poquanick
‘river do not run far enough to the latitude of forty
‘one degrees; then from the said river, a straight
‘line to be run northward to the latitude; and that to
‘be

A. D.
1688.

‘be the utmost north partition point, and from the
‘said point in a strait line due east to the partition point
‘on Hudson’s river, between East-Jersey and New-
‘York: Provided always, that all plantations and
‘tracts of land, laid out and surveyed, before this
‘agreement arrives in East-Jersey, shall remain to the
‘parties concerned; and the partition shall so run as
‘to include them within East-Jersey bounds.

‘Lastly, Dr. Coxe doth covenant and promise, to
‘make good the agreements above written, and war-
‘rant the title and quiet possession of all the lands so
‘to be appropriated to the proprietors of East-Jersey,
‘according to the limits and bounds abovementioned,
‘against all persons that shall or may pretend, or claim
‘any interest to any of the said lands, as West-Jersey
‘proprietors: And Robert Barclay doth covenant
‘and promise, to make good the agreement above
‘written, and warrant the title and quiet possession of
‘lands, so to be appropriated, to the proprietors of
‘West-Jersey, according to the limits and bounds
‘abovementioned, against all persons that shall or may
‘pretend or claim any interest to any of the said lands,
‘as East-Jersey proprietors: For performance of all
‘and every the respective articles and covenants herein
‘mentioned; they do mutually bind themselves, each
‘to the other, in the sum of five thousand pounds, to be
‘well and truly paid on the breach of any of the clauses
‘and covenants, herein before mentioned. In witness
‘whereof, they have interchangeably set their hands
‘and seals, the day and year first above written.ⁿ

Sealed and delivered
in the presence of
DAVID HEWLING.
STEPHEN LUCOCK.

ROBERT BARCLAY.

Notwithstanding this agreement, and that the
parties have at several times seemed desirous the line
should

ⁿ. See the consent of many western proprietors, to the agreement made with East-Jersey, in the line of division by Dr. Daniel Coxe. *Revell’s book. B. Secretary’s-Office, Burlington, p. 233.*

should be properly run out and fixed; the necessary preliminaries could never yet be sufficiently settled; those of East-Jersey being thought by the western proprietors to have the advantage in every step hitherto taken; while they on the contrary, have not been wanting to alledge their reasons.*p*.

A. D.
1688.

In order to keep the transactions relative to the division line together, we are necessarily brought forward in course of time, with respect to the manner of locating the proprietors lands in West-Jersey; the divisions and sub-divisions of shares had multiplied demands, and introduced a necessity for other measures than had been hitherto in practice; accordingly in 1687, the proprietors found it expedient to enter into the following agreement.

‘Whereas by experience it hath been found, that
‘the concerns particularly relating to the proprietors
‘of the province of West New-Jersey, by reason of
‘the great difficulty of getting them together, upon
‘several emergent occasions, have been greatly detrimental not only to the carrying on and progress of
‘the same necessary and publick concerns, but also
‘very chargeable and burthensome to the said proprietors, especially those of them who live at a great distance; and also complained of by the members
‘of the general assembly, as taking up a great part
‘of their time, in an affair particularly relating to the proprietors; and finding that the affair touching the
‘publick concerns of the said proprietors, may be
‘carried on with far less charge and burthen to the whole,
‘and with more effect by such number of persons, as by
‘the proprietors shall be esteemed fit and qualified
‘on their behalf, to transact and agitate their publick
‘affairs

New method of
locating
lands.

p. To trace the proceedings relating to this line minutely, will be a task proper for those immediately concerned; they are voluminous: To give an account of some more of the steps hitherto taken, a few papers are added in the appendix. Vid. appendix, Numb. iv. v. vi. vii.

A. D.
1688.

‘affairs as proprietors: We therefore, underwritten
 ‘proprietors of the province aforesaid, being met
 ‘together at Burlington, in the same province, this
 ‘fourteenth day of the twelfth month, anno 1687,
 ‘by a general appointment of the same proprietors;
 ‘do therefore unanimously agree together as followeth,
 ‘(viz.) That eleven proprietors within the said pro-
 ‘vince, shall be yearly and every year, nominated,
 ‘elected and chosen, by and amongst the said proprie-
 ‘tors, to be commissioners and trustees at a day
 ‘certain; six whereof in the county of Burlington,
 ‘and five within the county of Gloucester, in the
 ‘province aforesaid; who shall be, and are empowered
 ‘to act and plead in all such affairs, as do, and shall
 ‘generally concern the body of the said proprietors of
 ‘the same province, as fully and effectually as if the
 ‘whole body of the same proprietors were together,
 ‘and should personally do, and conclude the same;
 ‘which act and acts, thing and things, by the same
 ‘commissioners and trustees for the time being, so
 ‘from time to time to be done and performed as
 ‘aforesaid, we the said proprietors do hereby ratify,
 ‘establish and confirm; and we do hereby nominate
 ‘and appoint our trusty friends Samuel Jenings,
 ‘Thomas Olive, William Biddle, Elias Farre, Mahlon
 ‘Stacy, Francis Davenport, Andrew Robeson, Wil-
 ‘liam Royden, John Reading, William Cooper, and
 ‘John Wills, commissioners and trustees for the year
 ‘next ensuing, to do, act and officiate in the affair
 ‘aforesaid, until the tenth day of the second month,
 ‘anno domini 1688; and we do hereby agree and
 ‘appoint, that each and every of the said commissioners
 ‘and trustees now elected and chosen, and from time
 ‘to time hereafter to be elected and chosen, shall have
 ‘and be allowed two shillings per day, for each and
 ‘every day they shall be concerned to act in the affair
 ‘aforesaid; the same to be paid by the proprietors of
 ‘the province proportionably to their respective shares
 ‘of the said province. In testimony whereof, we the
 ‘proprietors of the province aforesaid, have to this
 ‘instrument

‘instrument, in this and the schedule hereunto affixed,
 ‘put our hands, dated the fourteenth day of the
 ‘twelfth month called February, anno domini 1687.

A. D.
 1688.

‘At a meeting of the proprietors at Burlington, this
 ‘sixth of the seventh month, in the year 1688; it is
 ‘agreed, that five of the commissioners shall be a quo-
 ‘rum in all their meetings, and shall have power to
 ‘act in as full manner as if the whole number of
 ‘eleven were present; and it is further agreed, that the
 ‘said commissioners shall meet at least once a quarter,
 ‘the day after each quarter sessions.

‘*Thomas Hutchison, Christopher Wetherill, Thomas
 ‘Butcher, John Pancoast, Henry Grubb, John
 ‘Tatham, Thomas Baxton, John Woolston, Robert
 ‘Turner, Thomas Budd, George Hutchinson, John
 ‘Dayes, John Shinn, Henry Wood, John Kay, Thomas
 ‘Matthews, Thomas Sharp, Isaac Marriot, Bernard
 ‘Deronish, Samuel Obiale, Thomas French, Percival
 ‘Towle, Francis Collins, Thomas Gardiner, Daniel
 ‘Wills, William Meyers, Anthony Eiton, John Hugg,
 ‘Richard Herriage, William Bate, William Alberson.*

‘An instrument of the same form and date, signed
 ‘in Gloucester county, by *Woolla Dalbo, William
 ‘Cooper, William Alberson, John Ladd, John Hugg,
 ‘jun. John Wills, Thomas Sharp, John Rambo, Robert
 ‘Zane, James Atkinson, Francis Collins, Thomas
 ‘Thackera, John Hugg.*

‘Indorsed on the back side.

‘We the within subscribers, do approve of, ratify
 ‘and confirm the persons within mentioned, to serve as
 ‘our representatives for the year ensuing, with these
 ‘alterations following, viz. instead of Mahlon Stacy
 ‘and Francis Davenport, that John Tatham and
 ‘George Hutchinson, be elected and serve in their
 ‘stead; and in place of William Cooper, Thomas
 ‘Gardiner, jun. is elected to serve in his stead; and
 ‘that instead of eleven trustees, there shall be but
 ‘nine for the year ensuing; five of which shall make
 ‘a quorum: All which is consented to, concluded,
 ‘and

A. D.
1688.

‘and agreed upon, this first of the first month, at
‘Gloucester, anno 1688, by the proprietors within
‘subscribed.

On this agreement with some little variations afterwards, is founded the present constitution of the council of proprietors of West-Jersey; the following minutes, being some of their first proceedings thereafter, shows their method and practice for some time after the establishment of the said constitution.

‘At a meeting of several proprietors of West-Jersey, at Burlington, on the sixth day of the seventh month, anno domini 1688.

Minutes
of W. Jersey
council
of proprietors.

‘It was then and there debated, and being put to
‘the vote, agreed by the proprietors then present, that
‘every proprietor, and every person interested in
‘proprieties, shall pay to the use of Daniel Coxe, to
‘any person appointed to receive it, as a reimbursement for the money laid out by him, in the Indian
‘purchase lately made in the lower counties, the sum
‘of twelve shillings and six pence for every thousand
‘acres, and so proportionably to be taken up out of
‘that purchase; the first year to begin the first day of
‘April last past, and from that time twelve months,
‘to advance eighteen pence upon every year ensuing,
‘until the time that the money aforesaid to be paid for;
‘the land to be laid out within the bounds of the same
‘purchase, as consideration for the monies disbursed
‘by the said Daniel Coxe in the said Indian purchase of
‘the whole tract, which, by the surveyor Andrew
‘Robeson, is computed to be three hundred thousand
‘acres of good land, capable and worthy of improvements; which money being paid, the party so paying
‘shall be acquitted of all other payments on the consideration aforesaid.

‘2. That the surveyor for the time being, be
‘engaged not to set out any land within the limits of
‘this Indian purchase, until the money abovementioned be paid and secured as abovesaid.

‘3. And

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‘3. And it is further agreed, that for the land taken up by order of the said Dr. Coxe, above the falls of Delaware, every proprietor taking up any part thereof, shall pay to Dr. Coxe, or his order, the sum of twenty-five shillings per thousand acres, and two shillings and six pence yearly consideration, till the money be paid.

‘At a meeting of the council of proprietors, being nominated, elected and constituted by the proprietors of the province of West-Jersey, to negotiate their affairs for the year ensuing, held at Burlington, the eighteenth day of September, anno domini, 1688.

‘Elected, Thomas Olive, Andrew Robeson, Samuel Jenings, Francis Davenport, William Biddle, Mahlon Stacy, William Roydon, William Cooper and John Reading; five of which shall make a quorum.

‘Present at this meeting, these persons; Thomas Olive, Andrew Robeson, Samuel Jenings, William Biddle, Francis Davenport, William Roydon, William Cooper. Thomas Olive, president.

‘Imprimis, It is agreed, ordered and concluded by authority of the council abovesaid, That Samuel Jenings be, and is hereby appointed commissioner, to examine all deeds, taking a minute of the same, and issue warrants to the surveyor general, for the surveying and taking up of lands; keeping a record of the same, and this for the inhabitants within the county of Burlington, or to any others as occasion shall require.

‘2. It is likewise agreed and ordered, that John Reading shall perform the same service, for the inhabitants within the county of Gloucester; and to all others as occasion shall require.

‘3. And it is ordered and appointed, that for the support of their service, every warrant for land under one hundred acres, shall pay the sum of one shilling; and one hundred acres and above, under one thousand, shall pay the sum of eighteen pence; and one thousand acres and upwards, shall pay the sum of two shillings and six pence.

‘4. And

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‘4. And it is further ordered, that the said Samuel Jenings and John Reading, shall, upon demand of this council, at any time, deliver into them a copy of their said minutes by them taken from time to time.

‘5. And it is ordered and appointed by the authority aforesaid, that Andrew Robeson, the surveyor general, shall from time to time, upon demand of this council, make return to them of all warrants executed by him, that have not been returned before.

‘6. And it is likewise ordered and appointed by this council, That Mahlon Stacy, John Day, William Wood and John Hollinshead, shall be rangers for the county of Burlington and upwards; and John Kay, Thomas Sharp and Israel Helme, jun. shall be rangers for the county of Gloucester, for the year ensuing.

‘7. It is also concluded and ordered, that no person or persons whatsoever, shall presume to purchase any land from the Indians, without the consent of this council first obtained, otherwise to be prosecuted as our common enemy.

‘The council adjourns until the fourth day of November next.

‘At a meeting of the council of proprietors in Burlington, upon the tenth day of eighth month, anno 1688.

‘Present in council, Thomas Olive, president.

‘Andrew Robeson, William Biddle, Samuel Jenings, William Royden, John Reading.

‘Imprimis, whereas John Skene is appointed by the secretary and register general of the dominion and territories of New-England, to receive the records, rolls and papers from Thomas Revel and John Reading, who hath already demanded the same; and the said Thomas Revel and John Reading, making their application to the council, to know their pleasure therein.

‘The council have, and do order, that all records relating to government, may be delivered according
‘to

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‘to the secretary’s order; but such as relate to lands, they judge to be the proprietors property, and that they ought to abide and remain with them, and hope the governor is already satisfied therewith.

‘The council adjourns till the sixth hour in the morning, on the 11th day.

‘The eleventh of the eighth month.

‘Agreed and concluded, that all deeds granted only by Edward Byllinge, in and before the year 1682, shall be adjudged and esteemed insufficient for the commissioners to grant warrants upon.’

‘*The form of the commissioners commission.*

‘A. B. thou art hereby authorized, by the power and order of the council of proprietors, to be commissioner for the county of _____ for the examining of deeds, and granting warrants, for the taking up of lands within the province of West-Jersey; well and faithfully in all things discharging thy said office; and the trust in thee reposed, according to the instructions herewith sent; to the best of thy skill, and understanding.
‘Given under my hand and seal, the &c.

‘Instructions for the commissioners to observe and follow, in their examining of deeds, and granting of warrants for the taking up of lands.

‘1. Agreed and ordered by the council aforesaid, that the commissioners grant no warrants, but upon the producing of good deeds, authentic copies, or an extract of the record of such deed under the register’s hand, &c.

‘2. That all deeds granted only by Edward Byllinge, in and before the year 1682, shall be accounted insufficient for the commissioners to grant warrants upon.

‘3. That there shall be given a particular warrant for every several deed, or particular purchase.

‘4. That the president of the council for the time being, shall, from time to time, grant warrants for the commissioners, for the taking up of their own lands.

‘5. That

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‘5. That the commissioners shall not direct their
‘warrants to the surveyor-general for the laying forth
‘of his own lands, but to some other person, at the dis-
‘cretion of the commissioner that gives forth the
‘warrant.

‘6. That every proprietor coming for a warrant,
‘shall first sign to an instrument, to be presented to
‘them, for their compliance, to pay his, and their res-
‘pective and proportionable share of such incident
‘charge, for the management of the proprietors affairs;
‘as in the said instrument here following, may further
‘appear.

‘The form of the instrument to be signed by the
‘proprietors before they have warrants granted for the
‘taking up of their lands.

‘We the subscribers having taken into considera-
‘tion the necessity of the incident charges, that will
‘attend the council of proprietors, in the employ and
‘concern wherein we have placed, and constituted
‘them, for the carrying on, and discharging of those
‘inevitable charges that will follow upon the prosecu-
‘tion of our affairs; we do therefore hereby bind, and
‘oblige ourselves; each for himself, and not for one
‘another, to comply with, and pay our proportions
‘respectively of the aforesaid charges, as our said
‘council shall from time to time give us an account of,
‘and find needful to be raised: In witness whereof we
‘have hereunto set our hands, the &c.

‘The council adjourns till the 7th hour in the morn-
‘ing, being the 12th day of October, Anno 1688.

‘The 12th day of the 8th month.

‘The council being met, they ordered the writing
‘of a letter to the governor, to request the secretary to
‘permit the records of lands to rest in the same hands
‘they have formerly been; forasmuch as they conceive
‘they properly belong to the proprietors.

The council likewise order another letter to the
‘secretary, to signify the receipt of his warrant, by
‘Thomas Revell and John Reading, for the delivery
‘of all records, rolls, &c. and do desire the secretary,
‘that

‘that the records of lands may still remain in the said
 ‘Thomas Revell and John Reading’s hands: But for
 ‘other records that relate to government, may be dis-
 ‘posed of according as he shall appoint.

A. D.
 1688.

We have before given a summary of some of the first laws published in the eastern and western divisions, while under proprietary management; from that time forward, till the surrender of the government, many others were passed in both; but being either framed to particular occasions, or afterwards in part repealed or supplied, and most of them of no great public concernment now, further repetition of them here was thought unnecessary.

In the year 1691, Dr. Coxe conveyed the govern-
 ment of West-Jersey and territories, to the *West-Jersey*
society, consisting of the following persons: Sir
 Thomas Lane, kn^t. Michael Waits, Edward Harri-
 son, Thomas Skinner, James St. Johns, Nicholas
 Hayward, Mordecai Abbot, Nicholas Battersby,
 Robert Curtis, John Jurin, Richard Bramhall, Robert
 Mitchell, Charles Mitchell, James Boddington, John
 Gunston, Arthur Shallet, John Lamb, William
 Wightman, Joseph Brooksbank, William Thompson,
 Henry Harrington, John Love, Thomas Phipps,
 Isaac Cocks, John Sweetable, Thomas Bromfield,
 John Norton, Robert Hackshaw, John Bridges,
 Joseph Paise, Edward Richier, William Dunk, Ed-
 ward Habberdfield, John Alberson, Edward West,
 Edward Paunceford, Obadiah Burnet, Francis Michel,
 Benjamin Steele, John Slaney, Nehemiah Erwing,
 John Wilcocks, Richard Mayo, Jonah Netteaway,
 William Brooks, Tracey Pauncefort, Joseph Allen,
 and Richard Greenaway. Vid. the instrument, *Revell’s*
Book, B. Secretary’s office Burlington, p. 298.

1691.

Dr. Coxe
 to the W.
 Jersey so-
 ciety.

CHAP. XII.

A flood at Delaware falls: Death and character of Thomas Olive, Thomas Gardiner, and John Woolston, Commotions in East and West-Jersey: Surrender of the two governments to queen Anne: Her acceptance thereof; and her commission to lord Cornbury.

A. D.
1692.

Flood in
Delaware.

THE first settlers of the Yorkshire tenth in West-Jersey, had several of them built upon the low lands, nigh the falls of Delaware, where they had now lived, and been improving near sixteen years; they had been told by the Indians, their buildings were liable to be damaged by freshes, and the situation of the place must have made it probable: They had however, got up several wooden tenements and out-houses, which in the spring were accordingly generally demolished: The snows suddenly melting above, caused an uncommon overflow of the river; there have been many great floods since, but none quite so high; it came upon them so unexpectedly, that many were in their houses surrounded with water, and conveyed to the opposite shore, by neighbours from thence, in canoes: The water continued rising till it reached the upper stories of some of their houses, then most, or all of them gave way, and were dashed to pieces; many cattle were drowned; beds, kettles, and other furniture, were picked up on the shores below; the frights and damages were considerable; two persons in a house, carried away by the sweeping torrent, lost their lives before they could be got out. This accident taught the owners here to fix their habitations on higher ground, and was what is commonly called *the great flood at Delaware falls.*

In

It was in the spring this year that the proprietors of West-Jersey first appointed col. Andrew Hamilton to be their governor.^g A. D. 1692.

About this time also died Thomas Olive, who since the first settlement of West-Jersey, had been a man of importance there; he came over one of the London commissioners in 1677, was sometime governor, in which station he behaved with great circumspection and prudence; while a common magistrate he had a ready method of business, often doing it to good effect in the seat of judgment on the stumps in his meadows; he contrived to postpone sudden complaints, till cool deliberation had shewn them to be justly founded, and then seldom failed of accommodating matters without much expence to the parties: He had been imprisoned and otherwise a sufferer for religion in England; and by his preaching and writing as well as other public and private conduct, had gained general love and esteem, which he merited to the last. T. Olive.

In September 1694, died Thomas Gardiner; he arrived early at Burlington, went through several publick stations in West-Jersey with a good character, had considerable knowledge in variety of business, and was an exemplary member of society, civil and religious. 1694. T. Gardiner.

In the beginning of 1698, died John Woolston, one of the first settlers at Burlington, who had now for upwards of twenty years, through the fatigues of a new settlement, proved himself a ready friend and neighbour, and valuable member of society. 1698. J. Woolston.

We are now come to the year 1701; a memorable æra in New-Jersey, on account of the disturbances and confusions that violently agitated several parties, and 1701. Commo-tions.

^g. See his commission in book B. secretary's office, Burlington, p. 287.

A. D.
1701.

and the change of government that followed in consequence of them: Each province had many and different proprietors, who promoted separate schemes and interests; these sometimes interfered: To facilitate particular purposes, one party would have the choice and management of a governor, while another refused any but of their own nomination; and a third objected to proposals from either: Moderate councils could not be heard; a contaminating spirit of party and discord took place of order and peace; every expedient to restore union and regularity, proved unsuccessful; faction prevail'd, and particular animosities were nourished to that degree, that the delays of time seem'd only to give opportunity of accumulating fresh occasions of disgust and uneasiness; a detail of particulars, would be an ungrateful, we hope an unnecessary task; a few facts may suffice as specimens of the whole: To come at these, we must go back to the spring 1698.

J. Bass,

A. Hamilton.

Jeremiah Bass, under a pretence of a commission he had received from some of the proprietors of East-Jersey, with the king's approbation, superceeded Andrew Hamilton, the then governor of both East and West Jersey; but in the next year it appeared, that *Bass* had not obtained the king's approbation of his commission, nor was it granted by enough of the proprietors to make it valid, which induced great numbers of the inhabitants to refuse obedience to him, and to the magistrates and officers by him appointed; some persons being imprisoned for refusing obedience, it was resented by others with great indignation, and feuds and confusion followed: To accommodate matters for the present, Andrew Hamilton was again appointed governor, by a fresh commission from some of the proprietors; but a great number refused obedience to him, and the magistrates and officers under him, in like manner, and for the same reasons as they had refused *Bass* and those he appointed.

The

The disorders in the Eastern division during this time,^{r.} made such an impression on the minds of many of the people, that they readily hearkened to overtures made for a surrender of government. A considerable part of West-Jersey was also, for similar reasons, disposed to a resignation: The commotions in both, which had been increasing for some years, now seemed to be got to a crisis, and all things tended to a surrender of the powers of government; which was at length brought about in the beginning of the next year.

A. D.
1701.

Mean while diverse petitions and remonstrances were sent home, complaining loudly of their grievances and confusions; and praying redress: These and the proceedings in consequence of them, show the principal matters now to be found relating to the surrender and the measures they took to reserve their privileges, &c.

Remonstrances.

In 1702 the surrender was made by the following instrument.

1702.

‘Surrender from the proprietors of East and West-
Surrender.

‘New-Jersey, of their pretended right of government to her majesty.

‘WHEREAS his late majesty king Charles the second, by his letters patents under the great seal of England, bearing date at Westminster, on or about the twelfth day of March, in the sixteenth year of his reign; did give and grant to James, then duke of York, his heirs and assigns, all that part of the main land of New-England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New-Scotland, in America; and from thence
‘extending

^{r.} Long before, according to the representation of the lords of trade, October 2, 1701, ‘the proprietors (say they) of East-New-Jersey, did surrender their pretended right of Government to king James, in the month of April, 1688; which was accordingly ‘accepted by him.’

^{s.} Vid. Appendix, numb. viii, ix, x, xi, xii, xiii, xiv.

A. D.
1702.

‘ extending along the sea coast unto a certain place
 ‘ called Pemaquod or Pemaquid, and so up the river
 ‘ thereof to the furthest head of the same, as it tends
 ‘ northward; and extending from thence to the river of
 ‘ Kenibique; and so upwards by the shortest course to
 ‘ the river Canada, northward: And also all that island
 ‘ or islands, commonly called by the several name or
 ‘ names of Manowacks, or Long-Island, situate,
 ‘ lying and being towards the west of Cape Codd, and
 ‘ the Narrohigansets, abutting upon the main land
 ‘ between the two rivers there, called or known by the
 ‘ several names of Connecticut and Hudson’s river;
 ‘ together also with the said river called Hudson’s river,
 ‘ and all the lands from the west side of Connecticut
 ‘ river, to the east side of Delaware bay: And also all
 ‘ those several islands called or known by the names of
 ‘ Martin’s Vineyard, and Nantucks, or Nantucket:
 ‘ together with all the lands, islands, soils, rivers,
 ‘ harbours, mines, minerals, quarries, woods, marshes,
 ‘ waters, lakes, fishings, hawkings, hunting and
 ‘ fowling; and all other royalties, profits, commodi-
 ‘ and hereditaments to the several islands, lands and
 ‘ premises, belonging and appertaining, with their
 ‘ and every of their appurtenances; TO HAVE AND
 ‘ TO HOLD all and singular the said lands, islands,
 ‘ hereditaments, with their and every of their appur-
 ‘ tenances, to the said James Duke of York, his heirs
 ‘ and assigns forever; to be held of the said king, his
 ‘ heirs and successors, as of his manor of East Green-
 ‘ wich in Kent, in free and common socage, and not in
 ‘ capite or by knight’s service; yielding and rendering
 ‘ therefore yearly and every year, forty beaverskins when
 ‘ demanded; or within ninety days after. And by the
 ‘ same letters patents, the late king Charles the second,
 ‘ for himself, his heirs and successors, did give and
 ‘ grant to the said James duke of York, his heirs,
 ‘ deputies, agents, commissioners and assigns, full and
 ‘ absolute power and authority, to correct, punish,
 ‘ pardon, govern and rule all such subjects of the said
 ‘ king, his heirs and successors, as should from time
 ‘ to

A. D.
1702.

‘to time adventure themselves into the parts and places
 ‘aforesaid, or that should at any time then after inhabit
 ‘within the same, according to such laws, orders, or-
 ‘dinances, directions and instructions, as by the said
 ‘duke of York, or his assigns, should be established;
 ‘and in defect thereof, in case of necessity, according
 ‘to the good directions of his deputies, commission-
 ‘ers, officers or assigns respectively, as well in all
 ‘causes and matters, as well capital and criminal, as
 ‘civil, both marine and others; so always as the said
 ‘statutes, ordinances and proceedings, were not con-
 ‘trary, but as near as might be, agreeable to the laws
 ‘and statutes and government of the realm of Eng-
 ‘land; saving and reserving to his said majesty, his
 ‘heirs and successors, the receiving, hearing and deter-
 ‘mining, of the appeal and appeals of all, or any
 ‘other person or persons of, in or belonging to the ter-
 ‘ritories or islands aforesaid, in or touching any judg-
 ‘ment or sentence to be there made or given; and
 ‘further, that it should and might be lawful to and for
 ‘the said duke of York, his heirs and assigns, from
 ‘time to time, to nominate, constitute, ordain and
 ‘confirm such laws as aforesaid, by such name or
 ‘names or stiles, as to him or them shall seem good;
 ‘and likewise to revoke, discharge, change and alter
 ‘as well all and singular governors, officers and mini-
 ‘sters, which then after should be by him or them
 ‘thought fit or needful to be made or used within the
 ‘aforesaid parts and islands; and also to make, ordain,
 ‘and establish, all manner of orders, laws, directions,
 ‘instructions, forms and ceremonies of government
 ‘and magistracy, fit and necessary for and concerning
 ‘the government of the territories and islands afore-
 ‘said, so always as the same were not contrary to the
 ‘laws and statutes of the realm of England, but as
 ‘near as might be, agreeable thereunto; and the same
 ‘at all times then after to put in execution or abrogate,
 ‘revoke or change, not only within the precinct of the
 ‘said territories or islands, but also upon the seas in
 ‘going and coming to and from the same, as he and
 ‘they

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1702.

‘they in their good direction should think to be fittest
‘for the good of the adventurers and inhabitants there:
‘And the late king did thereby grant, ordain and
‘declare, that such governors, officers, ministers, as
‘from time to time should be authorized and appointed
‘in manner and form aforesaid, should and might have
‘full power and authority to use and exercise martial
‘law, in cases of rebellion, insurrection and mutiny, in
‘as large and ample manner as the lieutenants of his
‘said majesty in his counties of the realm of England
‘had, or ought to have, by their commissions of lieu-
‘tenancy, or any law or statute of the said realm of
‘England. And the said late king did thereby also
‘for himself, his heirs and successors, grant to the said
‘James duke of York, that it should and might be
‘lawful for him, his heirs and assigns, in his or their dis-
‘cretions, from time to time, to admit such and so many
‘person or persons to trade and traffick unto and within
‘the territories and islands aforesaid, and into every or
‘any part or parcel thereof, and to have process and
‘enjoy any lands and hereditaments in the parts and
‘places aforesaid, as they should think fit, according
‘to the laws, orders, constitutions and ordinances by
‘the said James duke of York, his heirs, deputies,
‘commissioners and assigns, from time to time to be
‘made and established, by virtue of and according to
‘the true intent and meaning of the said letters patents,
‘and under such conditions, reservations and agree-
‘ments as the said James duke of York, his heirs and
‘assigns, should set down, order, direct and appoint;
‘and not otherwise. And by the said letters patents,
‘the said king did for himself, his heirs, and successors,
‘grant to the said James duke of York, his heirs and
‘assigns, and to all and every such governor and gover-
‘nors, or other officers and ministers, as by the said
‘James duke of York, his heirs or assigns, should be
‘appointed, with power and authority of government
‘and command in or over the inhabitants of the said
‘territories or islands, that they and every of them
‘should, or lawfully might, from time to time, and at
‘all

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‘all times then after or for ever, for their several defence
 ‘and safety, encounter, expulse, repel and resist by
 ‘force of arms, as well by sea as by land, and all ways
 ‘and means whatsoever; all such person or persons as
 ‘without the especial licence of the said James duke of
 ‘York, his heirs or assigns, should attempt to inhabit
 ‘within the several precincts and limits of the said
 ‘territories and islands; and also all and every such per-
 ‘son and persons whatsoever, as should enterprize or
 ‘attempt at any time then after, the destruction or in-
 ‘vasion, detriment or annoyance to the parts, places or
 ‘islands aforesaid, or any part thereof; as by the said re-
 ‘cited letters patents duly enrolled, relation being there-
 ‘unto had, more at large may appear. AND WHEREAS
 ‘the estate, interest, right and title of the said James
 ‘duke of York, in and to the provinces of East-Jer-
 ‘sey and West-Jersey; part of the premises by the said
 ‘recited letters granted, are by mean conveyances and
 ‘assurances in law, come unto and vested in or claimed
 ‘amongst others, by sir Thomas Lane, Paul Domi-
 ‘nique, Robert Mitchell, Joseph Brooksbank, Michael
 ‘Watts, Edward Richier, John Norton, Ebenezer
 ‘Jones, John Whiting, John Willecks, John Bridges,
 ‘Thomas Skinner, Benjamin Steel, Obadiah Burnet,
 ‘Joseph Micklethwait, Elizabeth Miller, Benjamin
 ‘Levy, Francis Minshall, Joseph Collier, Thomas
 ‘Lewis, Jo. Bennet, John Booker, Benjamin Nelson,
 ‘James Wasse, Richard Harrison, John Jurin,
 ‘Richard Greenaway, Charles Mitchell, Francis
 ‘Mitchell, Tracy Paunceford, William Hamond,
 ‘Ferdinando Holland, William Dockwra, Peter Son-
 ‘mans, Joseph Grinston, Charles Ormston, Edward
 ‘Antill, George Willocks, Francis Handcock, Tho-
 ‘mas Barker, Thomas Cooper, Robert Burnet, Miles
 ‘Foster, John Johnstone, David Lyell, Michael
 ‘Hawdon, Thomas Warne, Thomas Gordon, John
 ‘Barclay, Clement Plumstead, Gilbert Mollison, and
 ‘Richard Hasell, the present proprietors thereof; and
 ‘they also have claimed, by virtue of the said letters
 ‘patents and mean conveyances, to exercise within
 ‘the

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1702.

‘the said provinces for the governing the inhabitants
 ‘thereof, all the powers and authorities for government
 ‘granted by the said letters patents to the said duke and
 ‘his heirs and assigns ; but her majesty hath been advised,
 ‘that they have no right nor can legally execute any of
 ‘the said powers ; but that it belongeth to her majesty
 ‘in right of her crown of England, to constitute
 ‘governors of the said provinces, and to give directions
 ‘for governing the inhabitants thereof, as her majesty
 ‘shall think fit : And the said proprietors being desir-
 ‘ous to submit themselves to her majesty, are willing to
 ‘surrender all their pretences to the said powers of
 ‘government, to the intent her majesty may be pleased
 ‘to constitute a governor or governors of the same
 ‘provinces, with such powers, privileges and authori-
 ‘ties for the government thereof, and making of such
 ‘laws there, with the consent of the assembly of the
 ‘said provinces, and her majesty’s subsequent appro-
 ‘bation thereof, as her majesty in her great wisdom
 ‘shall think fit and convenient. WE THEREFORE
 ‘the said Sir Thomas Lane, Paul Dominique, Robert
 ‘Michell, Joseph Brooksbank, Michael Watts, Ed-
 ‘ward Richeir, John Norton, Ebenezer Jones, John
 ‘Whiting, Clement Plumstead, John Willcocks, John
 ‘Bridges, Thomas Skinner, Benjamin Steel, Obadiah
 ‘Burnet, Joseph Micklethwait, Elizabeth Miller, Ben-
 ‘jamin Levy, Francis Minshall, Joseph Collier, Tho-
 ‘mas Lewis, Jo. Bennet, John Booker, Benjamin
 ‘Nelson, James Wasse, Richard Harrison, John
 ‘Jurin, Richard Greenaway, Charles Mitchell, Fran-
 ‘cis Mitchell, Tracy Paunceford, William Hamond,
 ‘Ferdinando Holland, Willam Doekwra, Peter Son-
 ‘mans, Joseph Grimston, Charles Ormston, Edward
 ‘Antill, George Willocks, Francis Handcock,
 ‘Thomas Barker, Thomas Cooper, Robert Burnett,
 ‘Miles Foster, John Johnstone, David Lyell, Mi-
 ‘chael Hawdon, Thomas Warne, Thomas Gordon,
 ‘John Barclay, Gilbert Mollison, and Richard Hasell,
 ‘&c. the present proprietors of the said provinces of
 ‘East-Jersey and West-Jersey, for the considerations
 ‘and

A. D.
1702.

‘and to the intent aforesaid, have surrendered and
 ‘yielded up, and by these presents for us and our heirs,
 ‘do surrender and yield up unto our sovereign lady
 ‘ANNE, by the grace of God, queen of England,
 ‘Scotland, France, and Ireland, defender of the faith,
 ‘&c. her heirs and successors, all these the said powers
 ‘and authorities to correct, punish, pardon, govern
 ‘and rule, all or any of her majesty’s subjects or others
 ‘who now inhabit, or hereafter shall adventure into or
 ‘inhabit within the said provinces of East-Jersey and
 ‘West-Jersey, or either of them; and also to nomi-
 ‘nate, make, constitute, ordain and confirm any laws,
 ‘orders, ordinances and directions and instruments
 ‘for those purposes, or any of them; and to nomi-
 ‘nate, constitute or appoint, revoke, discharge, change,
 ‘or alter any governor or governors, officers or mini-
 ‘sters, which are or shall be appointed, made or used
 ‘within the said provinces or either of them; and to
 ‘make, ordain and establish any orders, laws, direc-
 ‘tions, instruments, forms or ceremonies of govern-
 ‘ment and magistracy, for or concerning the govern-
 ‘ment of the provinces aforesaid, or either of them;
 ‘or on the sea in going and coming to or from thence;
 ‘or to put in execution, or abrogate, revoke or change
 ‘such as are already made for or concerning such
 ‘government, or any of them; and also all those the
 ‘said powers and authorities to use and exercise martial
 ‘law in the places aforesaid, or either of them, and
 ‘to admit any person or person to trade or traffick
 ‘there, and of encountering, repelling and resisting
 ‘by force of arms, any person or persons attempting to
 ‘inhabit there without the licence of us the said pro-
 ‘prietors, our heirs and assigns, and all other the pow-
 ‘ers, authorities and privileges of or concerning the
 ‘government of the provinces aforesaid, or either of
 ‘them, or the inhabitants thereof, which were granted
 ‘or mentioned to be granted by the said recited letters
 ‘patents, and every of them. IN WITNESS whereof,
 ‘the persons abovenamed, have hereunto set their
 ‘hands and seals, this fifteenth day of April, in the
 ‘year

A. D.
1702.

‘year of our lord one thousand seven hundred and two;
‘and in the first year of her majesty’s reign.

For the eastern division.

‘Peter Sonmans, Joseph Ormston for myself, and
‘as proxy for Charles Ormston, Edward Antill, and
‘George Willocks, and representative of Francis
‘Hancock; Thomas Lane, Paul Dominique, Ro-
‘bert Mitchel, Joseph Brooksbank, E. Richier. Mi-
‘chael Watts, Clement Plumstead, Lewis Morris in
‘the behalf of Robert Burnet; Miles Foster, John
‘Johnstone, Michael Hawdon, John Barclay, David
‘Lyell, Thomas Warne, Thomas Gordon, Thomas
‘Barker, Thomas Cooper, Gilbert Mollison, Henry
‘Adderly for Richard Hasel, of Barbados; Wil-
‘liam Dockwra.

For the western-division.

‘John Booker, John Whiting, John Willcocks, John
‘Bridges, Thomas Skinner, Benjamin Steel, Obadiah
‘Burnet, Joseph Micklethwait, Thomas Lamb, Paul
‘Dominique, Francis Mitchel, Joseph Brooksbank,
‘Michael Watts, Ed. Richier, John Norton, Eben.
‘Jones, Benjamin Nellson, James Wasse, Richard
‘Harrison, John Jurin, Richard Greenaway, Charles
‘Mitchel, Francis Mitchel, Francis Paunceford, Wil-
‘liam Hamond, Ferd. Holland, Elizabeth Miller,
‘Benjamin Levy, Francis Minshall, Joseph Collins,
‘Thomas Lewis, Jo. Bennet.

‘Sealed and delivered by T. Lane, P. Dominique,
‘R. Michell, J. Brooksbank, M. Watts, E. Richier,
‘J. Norton, E. Jones, J. Whiting, J. Willcocks, J.
‘Bridges, T. Skinner, B. Steel, O. Burnett, J. Mic-
‘klethwait, E. Miller, B. Levy, F. Minshall, J.
‘Collier, T. Lewis, J. Bennet, J. Booker, B. Nelson,
‘J. Wasse, R. Harrison, J. Jurin, R. Greenaway, C.
‘Mitchel, F. Mitchel, T. Pauncefort, W. Hamond,
‘F. Holland. And for the interest the proprietors
‘of West-Jersey, have in East-Jersey, T. Lane, P.
‘Dominique, R. Mitchel, J. Brooksbank, E. Richier,
‘and M. Watts. Sealed and delivered by the aforesaid
‘persons in presence of us,

L. Morris,
Jonathan Greenwood.

‘Sealed

‘Sealed and delivered by William Dockwra, Peter
 ‘Somnans, Joseph Ormston, Thomas Barker, and
 ‘Thomas Cooper, proprietors of East-Jersey, in the
 ‘presence of us, Richard Bouts, Nathaniel Welch.

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‘Sealed and delivered by Gilbert Mollison, in pre-
 ‘sence of us, Daniel Wild, Gilbert Falconer.

‘Sealed and delivered by Clement Plumstead, in
 ‘presence of us, John Askew, Samuel Hannington.

‘Sealed and delivered by Henry Adlery, in pre-
 ‘sence of us, John Blackall, Thomas Gage.

‘Sealed and delivered by Lewis Morris, in pre-
 ‘sence of, Aug. Graham, Richard Bibby.’

‘The QUEEN’S acceptance of the surrender of
 ‘government.

‘At the court at St. James’s, the 17th day of
 ‘April, 1702.

‘PRESENT: The QUEEN’S most excellent majesty.

‘His Royal Highness	Earl of Radnor,	
‘Prince George of	Earl of Berkely,	
‘Denmark,	Earl of Rochester,	
‘Lord Keeper,	Earl of Marlborough,	
‘Lord President,	Earl of Bradford,	
‘Lord Steward,	Earl of Romney,	
‘Duke of Bolton,	Earl of Ranelagh,	
‘Duke of Schomberg,	Lord Ferrers,	
‘Duke of Leeds,	Lord Godolphin,	
‘Lord Great Chamber-	Mr. Comptroller,	
‘lain,	Mr. Vice Chamberlain,	
‘Earl Marshal,	Mr. Secretary Vernon,	
‘Lord High Admiral,	Mr. Chancellor of the Ex-	
‘Lord Chamberlain,	chequer,	
‘Earl of Dorset,	Lord Chief Justice,	
‘Earl of Manchester,	Sir Charles Hedges,	
‘Earl of Stamford,	Mr. Smith.	
‘Earl of Burlington,		

Queen’s
 accep-
 tance.

‘This day the several proprietors of East and West
 ‘New-Jersey, in America, did in person, present a
 ‘deed of surrender by them executed under their hands
 ‘and seals, to her majesty in council, and did acknow-
 ‘ledge

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‘ledge the same to be their act and deed ; and humbly
‘desire her majesty to accept the same, that it might
‘be enrolled in the court of chancery, whereby they
‘did surrender their power of the government of those
‘plantations : Which her majesty graciously accepted,
‘and was pleased to order, as it is hereby ordered, that
‘the same be enrolled in her majesty’s said high court
‘of chancery ; and the said instruments are to be deli-
‘vered to Mr. Attorney General, who is to take care
‘that the same be enrolled accordingly.

Directly after the surrender, Edward lord viscount
Cornbury, grandson to the great chancellor Clarendon,
was appointed governor of New-Jersey ; his commis-
sion was as followeth :

‘ANNE, by the grace of God, of England, Scot-
‘land, France and Ireland, Queen, defender of the
‘faith, &c. To our trusty and well beloved Edward
‘Hyde, esquire, commonly called lord Cornbury,
‘greeting : Whereas in the government of that coun-
‘try, which was formerly granted by king Charles
‘the second, under the name of Nova-Casaria, or
‘New-Jersey, and which has since been subdivided by
‘the proprietors, and called East New-Jersey, and
‘West New-Jersey, such miscarriages have happened,
‘that the said country is fallen into disorder and confu-
‘sion ; which has accordingly been represented to our
‘dearest brother the late king, in several petitions,
‘memorials and other papers, signed by the general
‘proprietors, and by great numbers of the inhabitants ;
‘and by means of that disorder the publick peace and
‘administration of justice, whereby the properties of
‘our subjects should be preserved there, is interrupted
‘and violated, and the guard and defence of that
‘country so totally neglected, that the same is in immi-
‘nent danger of being lost from the crown of England :
‘And whereas the aforesaid proprietors being sensible
‘that the said country, and our good subjects the inha-
‘bitants thereof, cannot be defended and secured by
‘any other means then by our taking the government
‘of

'of the same under our immediate care, have executed
 'and made a formal and entire surrender of their
 'right, or pretended right and title to the government
 'of that country unto us: We therefore, reposing
 'especial trust and confidence in the prudence, cou-
 'rage and loyalty of you the said lord Cornbury, out
 'of our especial grace, certain knowledge, and meer
 'motion, hath thought fit to constitute and appoint,
 'and by these presents do constitute and appoint you
 'the said lord Cornbury, to be our captain general and
 'governor in chief, in and over the aforesaid country
 'of Nova-Cæsaria, or New-Jersey, viz. the division
 'of East and West New-Jersey, in America, which
 'we have thought fit to reunite into one province, and
 'settle under one entire government: And we do here-
 'by require and command you, to do and execute all
 'things in due manner that shall belong unto your said
 'command, and the trust we have reposed in you,
 'according to the several powers and directions granted
 'or appointed you by this present commission, and
 'the instructions and authorities herewith given you,
 'or by such further powers, instructions or authorities
 'as shall at any time hereafter be granted, or appointed
 'you under our signet and sign manual, or by our
 'order in our privy council, and according to such
 'reasonable laws and statutes as shall be made and
 'agreed upon by you, with the advice and consent of
 'the council and assembly of our said province, under
 'your government, in such manner and form as is
 'hereafter expressed And our will and pleasure is,
 'that you the said lord Cornbury, having after the
 'proclamation of these our letters patents, first taken
 'the oaths appointed by act of parliament to be taken
 'instead of the oath of allegiance and supremacy, and
 'the oath mentioned in an act, entitled, *An act to*
 '*declare the alteration in the oath appointed to be taken,*
 '*by the act, entitled, An act for the further security of*
 '*his majesty's person, and the succession of the crown in*
 '*the protestant line, and for the extinguishing the hopes*
 '*of the pretended prince of Wales, and all other pretenders*
 'and

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*‘and their open and secret abettors, and for the declaring
 ‘the association to be determined; as also the test menti-
 ‘oned in the act of parliament made in the twenty fifth
 ‘year of the reign of king Charles the second, entitled,
 ‘An act for preventing dangers which may happen from
 ‘popish recusants; together with the oath for the due
 ‘execution of the office and trust of our captain gene-
 ‘ral and governor in chief, in and over our said pro-
 ‘vince of Nova-Caesaria, or New-Jersey, as well with
 ‘regard to the equal and impartial administration of
 ‘justice, in all causes that shall come before you, as
 ‘otherwise; and likewise the oath required to be taken
 ‘by governors of plantations, to do the utmost that
 ‘the laws relating to the plantations be observed; all
 ‘which our council in our said province, or any three
 ‘of the members thereof, have hereby full power and
 ‘authority, and are required to administer unto you;
 ‘and in your absence our lieutenant governor, if there
 ‘be any upon the place; you shall administer unto
 ‘each of the members of our said council, as also to
 ‘our lieutenant governor, if there be any upon the
 ‘place, as well the oath appointed by the act of parli-
 ‘ament to be taken instead of the oath of allegiance
 ‘and supremacy, and the oath mentioned in the said
 ‘act, entitled, *An act to declare the alteration in the
 ‘oath appointed to be taken by an act, entitled, An act
 ‘for the further security of his majesty’s person, and the
 ‘succession of the crown in the protestant line, and for
 ‘extinguishing the hopes of the pretended prince of Wales,
 ‘and all other pretenders, and their open and secret abet-
 ‘tors, and for declaring the association to be determined;
 ‘as the forementioned test, and the oath for the due
 ‘execution of their places and trusts. And we do
 ‘hereby give and grant unto you, full power and
 ‘authority, to suspend any of the members of our said
 ‘council from sitting, voting, and assisting therein,
 ‘if you shall see just cause for so doing: And if it
 ‘shall at any time happen, that by the death, departure
 ‘out of our said province, or suspension of any of our
 ‘said counsellors, or otherwise, there shall be wanting
 ‘in**

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‘in our said council, any three whereof we do appoint
 ‘to be a quorum, our will and pleasure is, that you
 ‘signify the same unto us, by the first opportunity,
 ‘that we may under our signet and sign manual, consti-
 ‘tute and appoint others in their stead; but that our
 ‘affairs may not suffer at that instant, for want of a
 ‘due number of counsellors, if ever it should happen
 ‘that there should be less than seven of them residing
 ‘in our said province, we do hereby give and grant
 ‘unto you the said lord Cornbury, full power and
 ‘authority to chuse as many persons out of the princi-
 ‘pal freeholders, inhabitants thereof, as will make up
 ‘the full number of our said council to be seven, and
 ‘no more; which persons so chosen and appointed by
 ‘you, shall be to all intents and purposes counsellors
 ‘in our said province, until either they shall be con-
 ‘firmed by us, or that by the nomination of others by
 ‘us, under our sign manual and signet, our said council
 ‘shall have seven or more persons in it. And we do
 ‘hereby give and grant unto you, full power and
 ‘authority, with the advice and consent of our said
 ‘council from time to time, as need shall require, to
 ‘summon and call general assemblies of the freeholders
 ‘and planters within your government, in manner
 ‘and form as shall be directed in our instructions which
 ‘shall be given you, together with this our commis-
 ‘sion. Our will and pleasure is, that the persons
 ‘thereupon duly elected, by the major part of the
 ‘freeholders of the respective counties and places so
 ‘returned, and having before sitting, taken the oaths
 ‘appointed by act of parliament to be taken instead of
 ‘the oaths of allegiance and supremacy, and the oath
 ‘mentioned in the aforesaid act, entitled, *An act to*
 ‘*declare the alteration in the oath appointed to be taken by*
 ‘*the act, entitled, An act for the further security of*
 ‘*his majesty’s person, and the succession of the crown in*
 ‘*the protestant line, and for extinguishing the hopes of*
 ‘*the pretended prince of Wales, and all other pretenders,*
 ‘*and their open and secret abettors, and for declaring the*
 ‘*association to be determined;* as also the aforementioned
 ‘test

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‘test: Which oath you shall commissionate fit persons
 ‘under our seal of Nova-Cæsaria, or New-Jersey, to
 ‘administer unto them, and without taking of which
 ‘oaths and subscribing the said test, none shall be
 ‘capable of sitting though elected, shall be called and
 ‘held the general assembly of that our province, and
 ‘that you the said lord Cornbury, by and with the
 ‘advice and consent of our council and assembly, or
 ‘the major part of them respectively, shall have full
 ‘power and authority to make, constitute and ordain
 ‘laws, statutes and ordinances, for the public peace,
 ‘wellfare and good government of our said province,
 ‘and of the people and inhabitants thereof, and such
 ‘others as shall resort thereto, and for the benefit of
 ‘us, our heirs and successors, which said laws, statutes,
 ‘and ordinances are not to be repugnant, but as
 ‘near as may be, agreeable unto the laws and statutes
 ‘of this our kingdom of England; provided that all
 ‘such laws, statutes and ordinances, of what nature
 ‘or duration soever, be within three months or sooner,
 ‘after the making thereof, transmitted to us, under
 ‘our seal of Nova-Cæsaria, or New-Jersey, for our
 ‘approbation or disallowance of them, as also dupli-
 ‘cates thereof by the next conveyance, or in case any
 ‘or all of them being not before confirmed by us, shall
 ‘at any time be disallowed and not approved, and so
 ‘signified by us, our heirs or successors, under our or
 ‘their sign manual and signet, or by order of our or
 ‘their privy council, unto you the said lord Cornbury
 ‘or to the commander in chief of our said province
 ‘for the time being, then such and so many of them
 ‘as shall be disallowed and not approved shall from
 ‘henceforth cease, determine, and become utterly void
 ‘and of none effect, any thing to the contrary thereof
 ‘notwithstanding. And to the end that nothing may
 ‘be passed or done by our said council or assembly, to
 ‘the prejudice of our heirs and successors, we will and
 ‘ordain, that you the said lord Cornbury, shall have
 ‘and enjoy a negative power in the making and passing
 ‘of all laws, statutes and ordinances as aforesaid. And
 ‘that

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‘that you shall and may likewise from time to time, as
‘you shall judge it necessary, adjourn, prorogue and
‘dissolve, all general assemblies. Our will and plea-
‘sure is, that you shall and may use and keep the pub-
‘lick seal of our province of Nova-Cæsaria, or New-
‘Jersey, for sealing all things whatsoever that pass
‘the great seal of our said province under your govern-
‘ment. And we do further give and grant unto you
‘the said lord Cornbury, full power and authority,
‘from time to time, and at all times hereafter, by
‘yourself, or by any other to be authorized by you
‘in that behalf, to administer and give the oaths
‘appointed by act of parliament, instead of the oath
‘of allegiance and supremacy, to all and every such
‘person and persons as you shall think fit, who shall
‘at any time or times pass into our said province, or
‘shall be resident or abiding there. And do further
‘give and grant unto you, full power and authority,
‘with the advice and consent of our said council, to
‘erect, constitute and establish such and so many courts
‘of judicature and publick justice within our said pro-
‘vince under your government, as you and they shall
‘think fit and necessary, for the hearing and determin-
‘ing of all causes as well criminal as civil, according
‘to law and equity, and for awarding execution there-
‘upon, with all reasonable and necessary powers, autho-
‘rities, fees and privileges belonging unto them; and
‘also to appoint and commissionate fit persons in the
‘several parts of your government, to administer the
‘oaths appointed by act of parliament to be taken
‘instead of the oath of allegiance and supremacy, and
‘the oath mentioned in the aforesaid act, entitled, *An*
‘*act to declare the alteration in the oath to be taken by the*
‘*act, entitled, An act for the further security of his*
‘*majesty’s person, and the succession of the crown in the*
‘*protestant line, and for the extinguishing the hopes of*
‘*the pretended prince of Wales, and all other pretenders,*
‘*and their open and secret abettors, and for declaring*
‘*the association to be determined;* as also the test unto
‘such persons as shall be obliged to take the same.

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‘And we do hereby authorize and impower you, to
 ‘constitute and appoint judges, and in cases requisite
 ‘commissioners of oyer and terminer, justices of the
 ‘peace, and other necessary officers and magistrates in
 ‘our said province, for the better administration of
 ‘justice, and putting the laws in execution, and to
 ‘administer, or cause to be administered unto them,
 ‘such oath or oaths as are usually given for the due
 ‘execution and performance of offices and places, and
 ‘for the clearing of truth in judicial causes. And we
 ‘do hereby give and grant unto you, full power and
 ‘authority, where you shall see cause, or judge any
 ‘offender or offenders in criminal matters, or any fines
 ‘or forfeitures due unto us, fit objects of our mercy, to
 ‘pardon all such offenders, and to remit all such offen-
 ‘ces, fines and forfeitures, treasons and wilful murder
 ‘only excepted; in which case you shall likewise have
 ‘power upon extraordinary occasions, to grant reprieves
 ‘to the offenders, until and to the intent our royal plea-
 ‘sure may be known therein. And we do by these pre-
 ‘sents, authorise and impower you to collate any person
 ‘or persons to any churches, chapels or other ecclesia-
 ‘cal benefices within our said province, as often as
 ‘any of them shall happen to be void. And we do
 ‘hereby give and grant unto you the said lord Cornbury,
 ‘by yourself, and by your captains and commanders
 ‘by you to be authorised, full power and authority to
 ‘levy, arm, muster, command and employ all persons
 ‘whatsoever residing within our said province of Nova-
 ‘Caesaria, or New-Jersey, and as occasion shall serve,
 ‘them to transport from one place to another for the
 ‘resisting and withstanding of all enemies, pirates, and
 ‘rebels, both at sea and land, and to transport such for-
 ‘ces to any of our plantations in America, if necessity
 ‘shall require, for the defence of the same, against the
 ‘invasion and attempts of any of our enemies, pirates
 ‘and rebels, if there shall be occasion, to pursue and
 ‘prosecute in or out of the limits of our said province
 ‘and plantations, or any of them; and if it shall please
 ‘God them to vanquish, apprehend and take, and
 ‘being

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' being taken, either according to law to put to death,
 ' or keep and preserve alive at your discretion, and to
 ' execute martial law, in time of invasion, insurrection
 ' or war, and to do and execute all and every other
 ' thing and things, which to any captain general and
 ' governor in chief doth or ought of right to belong.
 ' And we do hereby give and grant unto you full
 ' power and authority, by and with the advice and
 ' consent of our said council, to erect, raise and build
 ' in our said province of Nova-Cesaria, or New-Jersey,
 ' such and so many forts, platforms, castles, cities,
 ' boroughs, towns, and fortifications, as you, by the
 ' advice aforesaid, shall judge necessary, and the same,
 ' or any of them, to fortify and furnish with ordinance,
 ' ammunition, and all sorts of arms fit and necessary
 ' for the security and defence of our said province;
 ' and by the advice aforesaid, the same or any of
 ' them again to demolish or dismantle as may be most
 ' convenient. And forasmuch as many mutinies and
 ' disorders may happen, by persons shipped and em-
 ' ployed at sea, during the time of war: to the end
 ' that such may be better governed and ordered, we
 ' do hereby give and grant unto you the said lord
 ' Cornbury, full power and authority, to constitute
 ' and appoint captains, lieutenants, masters of ships,
 ' and other commanders and officers, and to grant
 ' unto such captains, lieutenants, masters of ships,
 ' and other commanders and officers, commissions,
 ' to execute the law martial during the time of war,
 ' and to use such proceedings, authorities, correcti-
 ' ons, executions, upon any offender or offenders
 ' who shall be mutinous, seditious, disorderly, or
 ' any ways unruly at sea, or during the time of their
 ' abode or residence in any of the ports, harbours, or
 ' quays of our said province, as the cause shall be found
 ' to require, according to martial law, during the time
 ' of war as aforesaid. Provided, that nothing herein
 ' contained, shall be construed to the enabling you,
 ' or any by your authority, to hold plea or have any
 ' jurisdiction

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‘jurisdiction of any offence, cause, matter or thing
‘committed or done upon the high sea, or within
‘any of the harbours, rivers or creeks of our said pro-
‘vince under your government, by any captain, com-
‘mander, lieutenant, master, officer, seaman, soldier,
‘or other person whatsoever, who shall be in actual
‘service and pay, in or aboard any of our ships of
‘war, or the vessels acting by immediate commission
‘or warrant from our high admiral of England, under
‘the seal of our admiralty, or from the commissioners
‘for executing the office of our high admiral of Eng-
‘land for the time being; but that such captain, com-
‘mander, lieutenant, master, officers, seaman, soldiers,
‘and other persons offending, shall be left to be pro-
‘ceeded against as the merit of their offences shall
‘require, either by commission under our great seal of
‘England, as the statute of the twenty-eighth of king
‘Henry the eighth directs, or by commission from our
‘high admiral of England, or from our commissioners
‘for executing the office of our high admiral of
‘England, for the time being, according to the act of
‘parliament passed in the thirteenth year of king Charles
‘the second, entitled, *An act for establishing articles
‘and orders, for the regulating and better government of
‘his majesty’s navy, ships of war, and forces by sea,*
‘and not otherwise. PROVIDED NEVERTHELESS, that
‘all disorders and misdemeanors committed on shore
‘by any captain, commander, lieutenant, master, offi-
‘cer, seaman, soldier, or any other person whatso-
‘ever, belonging to any of our ships of war, or other
‘vessels acting by immediate commission, or warrant
‘from our high admiral of England, under the seal of
‘our admiralty, or from our commissioners for execut-
‘ing the office of high admiral of England, for the time
‘being, may be tried and punished according to the laws
‘and place where any such disorders, offences and mis-
‘demeanors, shall be committed on shore, notwith-
‘standing such offender be in our actual service and in
‘our pay on board any such our ships of war or other
‘vessels, acting by immediate commission or warrant
‘from

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'from our high admiral, or from our commissioners
 'for executing the office of high admiral for the time
 'being as aforesaid, so as he shall not receive any pro-
 'tection for the delaying of justice, for such offences
 'committed on shore, from any pretence of his being
 'employed in our service at sea. Our will and plea-
 'sure is, that all publick money raised, or that shall be
 'raised, by any act hereafter to be made within our said
 'province, and issued out by warrant from you, by and
 'with the advice and consent of our council, and dis-
 'posed of by you for the support of the government,
 'and otherwise; we do hereby give you the said lord
 'Cornbury, full power and authority, to order and ap-
 'point fairs, marts, and markets, as also such and so
 'many ports, harbours, quays, havens, and other places
 'for the conveniency and security of shipping, and for
 'the loading and unloading of goods and merchandize,
 'as by you, with the advice and consent of our said
 'council, shall be thought fit and necessary. And we
 'do hereby require and command of all officers and magi-
 'strates, civil and military, and all other the inhabitants
 'of our said province, to be obedient, aiding and assist-
 'ing unto you the said lord Cornbury, in the execution
 'of this our commission, and of the powers and
 'authorities herein contained; and in case of your death
 'or absence out of our said province, to be obedient,
 'aiding and assisting to such person as shall be appointed
 'by us, to be our lieutenant governor or commander
 'in chief of the said province, to whom we do there-
 'fore by these presents, give and grant all and singu-
 'lar the privileges and authorities aforesaid, to be by
 'him executed and enjoyed during our pleasure, or until
 'your arrival within our said province: And if upon
 'your death or absence out of our said province, there
 'be no person upon the place commissioned or ap-
 'pointed by us to be our lieutenant governor, or com-
 'mander in chief of the said province; our will and
 'pleasure is, that the then present council of our said
 'province, do take upon them the administration of the
 'government, and execute this commission, and the
 'several

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‘several powers and authorities herein contained, and
 ‘that such counsellor who shall be at the time of your
 ‘death or absence, residing within our said province,
 ‘and nominated by our instructions to you, before any
 ‘other at that time residing there, do preside in our said
 ‘council, with such privileges and preeminences as may
 ‘be necessary in those circumstances, for the due and
 ‘orderly carrying on the publick service in the admi-
 ‘nistration of the government as aforesaid, until our
 ‘pleasure be further known, or until your return.
 ‘LASTLY, we do hereby declare, ordain and appoint,
 ‘that you the said lord Cornbury, shall and may hold,
 ‘execute and enjoy the office and place of captain
 ‘general and governor in chief, in and over our pro-
 ‘vince of Nova-Cesaria, or New-Jersey, together
 ‘with all and singular the powers and authorities hereby
 ‘granted unto you, for and during our will and plea-
 ‘sure, from and after the publication of this our com-
 ‘mission. In witness whereof we have caused these
 ‘our letters to be made patents: Witness ourself at
 ‘Westminster, the fifth day of December, in the first
 ‘year of our reign.

CHAP. XIII.

Instructions from Queen Anne to Lord Cornbury.

‘INSTRUCTIONS for our right trusty and well beloved
 ‘Edward lord Cornbury, our captain general and
 ‘governor in chief, in and over our province of
 ‘Nova-Cesaria, or New-Jersey, in America. Given
 ‘at our court at St. James’s, the sixteenth day of
 ‘November, 1702, in the first year of our reign.

Lord Corn-
bury’s in-
structions.

‘1 WITH these our instructions you will receive
 our commission under our great seal of
 ‘England, constituting you our captain general and go-
 ‘vernor in chief of our province of New-Jersey.

‘2. You

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'2. You are with all convenient speed to repair to
'our said province, and being there arrived, you are
'to take upon you the execution of the place and trust
'we have reposed in you, and forthwith to call together
'the following persons, whom we do by these presents
'appoint and constitute members of our council in
'and for that province, viz. Edward Hunloke, Lewis
'Morris, Andrew Bowne, Samuel Jenings, Thomas
'Revell, Francis Davenport, William Pinborne, Sa-
'muel Leonard, George Deacon, Samuel Walker,
'Daniel Leeds, William Sandford, and Robert
'Quarry,^t esquires.

3. And you are with all due solemnity, to cause
'our said commission under our great seal of England,
'constituting you our captain general and governor
'in chief as aforesaid, to be read and published at
'the said meeting of our council, and to cause pro-
'clamation to be made in the several most publick
'places of our said province, of your being constituted
'by us our captain general and governor in chief as
'aforesaid.

'4. Which being done, you shall yourself take, and
'also administer to each of the members of our said
'council so appointed by us, the oaths appointed by act
'of parliament to be taken instead of the oaths of alle-
'giance and supremacy, and the oath mentioned in
'an act, entitled, *An act to declare the alteration in the*
'*oath appointed to be taken by the act, entitled, An act*
'*for the further security of his majesty's person, and the*
'*succession of the crown in the protestant line, and for*
'*extinguishing the hopes of the pretended prince of*
'*Wales, and all other pretenders, and their open and secret*
'*abettors, and for declaring the association to be deter-*
'*mined*; as also the test mentioned in an act of par-
'liament

^t. Quarry was said to be of the council for five governments at one time, viz. New-York, New-Jersey, Pennsylvania, Maryland, and Virginia; he died about the year 1712. Beverly in his history of Virginia, p. 92, 96, 97, represents him as joining with Nicholson, the then governor of that colony, in unfavourable representations against the colonies.

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‘liament made in the twenty fifth year of the reign of
‘king Charles the second, entitled, *An act for pre-*
‘*venting dangers which may happen from popish recu-*
‘*sants*; together with an oath for the due execution of
‘your and their places and trusts, as well with regard
‘to the equal and impartial administration of justice
‘in all causes that shall come before you, as otherwise,
‘and likewise the oath required to be taken by gover-
‘nors of plantations, to do their utmost, that the laws
‘relating to the plantations be observed.

‘5. You are forthwith to communicate unto our said
‘council, such and so many of these our instructions,
‘wherein their advice and consent are mentioned to be
‘requisite, as likewise all such others from time to
‘time, as you shall find convenient for our service to
‘be imparted to them.

‘6. And whereas the inhabitants of our said pro-
‘vince have of late years been unhappily divided, and
‘by their enmity to each other, our service and their
‘own welfare has been very much obstructed; you are
‘therefore in the execution of our commission, to
‘avoid the engaging yourself in the parties which have
‘been form’d amongst them, and to use such impartial-
‘ity and moderation to all, as may best conduce to our
‘service, and the good of the colony.

‘7. You are to permit the members of our said
‘council, to have and enjoy freedom of debate and
‘vote, in all affairs of publick concern, that may be
‘debated in council.

‘8. And altho’ by our commission aforesaid, we
‘have thought fit to direct that any three of our coun-
‘cellors make a quorum, it is nevertheless our will
‘and pleasure, that you do not act with a quorum of
‘less than five members, except in case of necessity.

‘9. And that we may be always informed of the
‘names and characters of persons fit to supply the va-
‘cancies which shall happen in our said council, you
‘are to transmit unto us, by one of our principal secre-
‘tary’s of state, and to our commissioners for trade and
‘plantations, with all convenient speed, the names and
‘characters

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‘characters of six persons, inhabitants of the eastern
 ‘division, and six other persons inhabitants of the
 ‘western division of our said province, whom you shall
 ‘esteem the best qualified for that trust: and so from
 ‘time to time when any of them shall die, depart out
 ‘of our said province, or become otherwise unfit, you
 ‘are to nominate unto us so many other persons in
 ‘their stead, that the list of twelve persons fit to supply
 ‘the said vacancies, viz. six out of the east, and six out
 ‘of the west division, as aforesaid, may be always
 ‘compleat.

‘10. You are from time to time to send to us as
 ‘aforesaid, and to our commissioners for trade and
 ‘plantations, the names and qualities of any members
 ‘by you put into our said council, by the first convenience
 ‘after your so doing.

‘11. And in the choice and nomination of the
 ‘members of our said council, as also of the principal
 ‘officers, judges, assistants, justices and sheriff, you
 ‘are always to take care that they be men of good
 ‘life, and well affected to our government, of good
 ‘estates and abilities, and not necessitous people or
 ‘much in debt.

‘12. You are neither to augment nor diminish the
 ‘number of our said council, as it is hereby established,
 ‘nor to suspend any of the present members thereof
 ‘without good and sufficient cause: And in case of
 ‘suspension of any of them, you are to cause your
 ‘reasons for so doing, together with the charges and
 ‘proofs against the said persons, and their answers
 ‘thereunto (unless you have some extraordinary reason
 ‘to the contrary) to be duly entered upon the council
 ‘books: and you are forthwith to transmit the same,
 ‘together with your reasons for not entering them
 ‘upon the council books, (in case you do not enter
 ‘them) unto us and to our commissioners for trade and
 ‘plantations as aforesaid.

‘13. You are to signify our pleasure unto the mem-
 ‘bers of our said council, that if any of them shall at
 ‘any time hereafter absent themselves, and continue
 ‘absent

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‘ absent above the space of two months together from
 ‘ our said province without leave from you, or from our
 ‘ governor or commander in chief of our said province,
 ‘ for the time being, first obtained; or shall remain
 ‘ absent for the space of two years, or the greater part
 ‘ thereof successively, without our leave given them
 ‘ under our royal sign manual; their place or places in
 ‘ our said council, shall immediately thereupon become
 ‘ void, and that we will forthwith appoint others in
 ‘ their stead.

‘ 14. And in order to the better consolidating and
 ‘ incorporating the two divisions of East and West
 ‘ New-Jersey, into and under one government, our will
 ‘ and pleasure is, that with all convenient speed, you call
 ‘ together one general assembly for the enacting of laws
 ‘ for the joint and mutual good of the whole; and that
 ‘ the said general assembly do sit in the first place at
 ‘ Perth-Amboy, in East New-Jersey, and afterwards
 ‘ the same, or other the next general assembly, at Bur-
 ‘ lington, in West New-Jersey; and that all future
 ‘ general assemblies do set at one or the other of those
 ‘ places alternately, or (in cases of extraordinary neces-
 ‘ sity) according as you with the advice of our foresaid
 ‘ council, shall think to appoint them.

‘ 15. And our further will and pleasure is, that the
 ‘ general assembly so to be called, do consist of four and
 ‘ twenty representatives, who are to be chosen in the
 ‘ manner following, viz. two by the inhabitants house-
 ‘ holders of the city or town of Perth-Amboy, in East
 ‘ New-Jersey; two by the inhabitants householders of
 ‘ the city and town of Burlington in West New-Jersey;
 ‘ ten by the freeholders of East New-Jersey, and ten
 ‘ by the freeholders of West New-Jersey; and that no
 ‘ person shall be capable of being elected a representa-
 ‘ tive by the freeholders of either division, or after-
 ‘ wards of sitting in general assemblies, who shall not
 ‘ have one thousand acres of land, of an estate of
 ‘ freehold, in his own right, within the division for
 ‘ which he shall be chosen; and that no freeholder shall
 ‘ be capable of voting in the election of such represen-
 ‘ tative

‘tative, who shall not have one hundred acres of land
 ‘of an estate of freehold in his own right, within the
 ‘division for which he shall so vote: And that this
 ‘number of representatives shall not be enlarged or
 ‘diminished, or the manner of electing them altered,
 ‘otherwise than by and act or acts of the general assem-
 ‘bly there, and confirmed by the approbation of us,
 ‘our heirs and successors.^{u.}

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‘16. You

^{u.} This clause was soon altered as follows:

‘ANNE R.

‘Additional instructions to our right trusty and well beloved Edward
 ‘lord Cornbury, our captain general and governor in chief, in
 ‘and over our province of Nova-Cæsaria, or New-Jersey, in
 ‘America: Given at our court of St. James’s, the third of May
 ‘1705, in the fourth year of our reign.

‘WHEREAS by a clause in our general instructions to you, for
 ‘the government of our province of New-Jersey, the representa-
 ‘tives for the general assembly of that province are appointed to
 ‘be chosen as follows, viz. two by the inhabitants house holders
 ‘of the city or town of Perth-Amboy, in East New-Jersey; two
 ‘by the inhabitants house holders of the city and town of Burlington,
 ‘in West New-Jersey; ten by the freeholders of East New-Jersey,
 ‘and ten by the freeholders of West New-Jersey: And it having
 ‘been represented to us by you our governor, that several inconveni-
 ‘encies have arisen from the aforesaid manner of chusing representa-
 ‘tives; it is our will and pleasure, and you are accordingly to make
 ‘the same known in the most publick manner, that the method for
 ‘chusing representatives for the future be as follows, viz. two by
 ‘the inhabitants house holders of the city or town of Perth-Amboy,
 ‘in East New-Jersey, and two by the freeholders of each of the
 ‘five counties of the said division of East New-Jersey; two by the
 ‘inhabitants housholders for the city or town of Burlington, in
 ‘West New-Jersey; two by the inhabitants householders of the town
 ‘of Salem, in the said division, and two by the freeholders of each
 ‘of the four counties in the said division of West New-Jersey;
 ‘which persons so to be chosen make up together the number of
 ‘twenty four representatives, as limited by our former instructions.

‘And it is our further will and pleasure, that no person shall be
 ‘capable of being elected a representative by the freeholders of
 ‘either division as aforesaid, or afterwards of sitting in general
 ‘assemblies, who shall not have one thousand acres of land of an
 ‘estate of freehold in his own right, within the division for which
 ‘he shall be chosen, or personal estate in money, goods or chattels,
 ‘to the value of five hundred pounds sterling; and all inhabitants
 ‘of our said province being so qualified as aforesaid, are hereby de-
 ‘clared capable of being elected accordingly: And it is likewise our
 ‘pleasure

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‘16. You are with all convenient speed to cause a
‘collection to be made of all the laws, orders, rules,
‘or such as have hitherto served or been reputed as laws
‘amongst the inhabitants of our said province of Nova-
‘Caesaria, or New-Jersey, and, together with our afore-
‘said council and assembly, you are to revise, correct,
‘and amend the same, as may be necessary; and accord-
‘ingly to enact such and so many of them, as by you
‘with the advice of our said council and assembly, shall
‘be judged proper and conducive to our service, and
‘the welfare of our said province, that they may be
‘transmitted unto us, in authentic form, for our appro-
‘bation or disallowance.

‘17. You are to observe in the passing of the said
‘laws, and of all other laws, that the stile enacting the
‘same, be by the governor, council and assembly, and
‘no other.

‘18. You are also as much as possible to observe, in
‘the passing of all laws, that whatever may be requisite
‘upon

‘pleasure, that no freeholder shall be capable of voting in the
‘election of such representatives, who shall not have one hundred
‘acres of land of an estate of freehold in his own right, within
‘the county for which he shall so vote, or a personal estate in
‘money, goods or chattels, to the value of fifty pounds sterling;
‘and all freeholders in our said province being so qualified as afore-
‘said, are hereby declared capable of voting in the election of
‘representatives; which number of representatives shall not be
‘enlarged or diminished, or the manner of electing them thereby
‘directed, altered there, otherwise than by an act or acts of the
‘general assembly, to be confirmed by the approbation of us, our
‘heirs and successors. And whereas it may be inconvenient, that
‘the governor and lieutenant governor of our said province of New-
‘Jersey, for both of them to be absent from thence at the same
‘time; it is our will and pleasure, that as soon as the general assem-
‘ble of our said province shall have provided a house, and our
‘lieutenant governor with a convenient room for the meeting of
‘our council, and settled convenient salaries, which you are in our
‘name to press them to do, that either you or our lieutenant
‘governor, do constantly reside in our said province, and that you
‘be not both absent at the same time: It is likewise our will and
‘pleasure, that no fees be exacted or taken by any of the officers
‘under you, for the grants of lands made by the agents of the
‘proprietors; and the said agents are to deliver to you in council,
‘duplicates of all such grants to be registered in our council books.

‘ upon each different matter, be accordingly provided
 ‘ for by a different law, without intermixing in one
 ‘ and the same act, such things as have no proper rela-
 ‘ tion to each other; and you are especially to take care
 ‘ that no clause or clauses be inserted in, or annexed to
 ‘ any act, which shall be foreign to what the title of
 ‘ such respective act imports.

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‘ 19. You are to transmit authentic copies of the
 ‘ forementioned laws that shall be enacted, and of all
 ‘ laws, statutes, and ordinances, which shall at any time
 ‘ hereafter be made or enacted within our said province,
 ‘ each of them separately, under the publick seal,
 ‘ unto us, and to our said commissioners for trade and
 ‘ plantations, within three months or by the first oppor-
 ‘ tunity after their being enacted, together with dupli-
 ‘ cates thereof by the next conveyance, upon pain of
 ‘ our high displeasure, and of the forfeiture of that
 ‘ year’s salary, wherein you shall at any time, or upon
 ‘ any pretence whatsoever, omit to send over the said
 ‘ laws, statutes and ordinances as aforesaid, within the
 ‘ time above limited, as also of such other penalty as
 ‘ we shall please to inflict. But if it shall happen, that
 ‘ during time of war, no shipping shall come from our
 ‘ said province, or other our adjacent or neighbouring
 ‘ plantations, within three months after the making
 ‘ such laws, statutes, and ordinances, whereby the same
 ‘ may be transmitted as aforesaid, then the said laws,
 ‘ statutes and ordinances are to be so transmitted as
 ‘ aforesaid, by the next conveyance after the making
 ‘ thereof whenever it may happen, for our approbation
 ‘ or disallowance of the same.

‘ 20. You are to take care, that in all acts or orders
 ‘ to be passed within that our province in any case for
 ‘ levying money or imposing fines and penalties, ex-
 ‘ press mention be made that the same is granted or
 ‘ reserved to us, our heirs or successors, for the publick
 ‘ uses of that our province, and the support of the
 ‘ government thereof, as by the said act or orders shall
 ‘ be directed.

‘ 21. And

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‘21. And we do particularly require and command, that no money, or value of money whatsoever, be given or granted by any act or order of assembly, to any governor, lieutenant governor, or commander in chief of our said province, which shall not according to the stile of acts of parliament in England, be mentioned to be given and granted unto us, with the humble desire of such assembly, that the same be applied to the use and behoof of such governor, lieutenant governor, or commander in chief, if we shall so think fit; or if we shall not approve of such gift or application, that the said money or value of money, be then disposed of and appropriated to such other uses as in the said act or order shall be mentioned; and that from the time the same shall be raised, it remain in the hands of the receiver of our said province until our royal pleasure shall be known therein.

‘22. You shall also propose with the said general assembly, and use your utmost endeavours with them, that an act be passed for raising and settling a publick revenue for defraying the necessary charge of the government of our said province, in which provision be particularly made for a competent salary to yourself, as captain general and governor in chief of our said province, and to other our succeeding captain generals, for supporting the dignity of the said office, as likewise due provision for the salaries of the respective members of our council and assembly, and of all other officers necessary for the administration of that government.

‘23. Whereas it is not reasonable that any of our colonies or plantations should by virtue of any exemptions or other privileges whatsoever, be allowed to seek and pursue their own particular advantages, by methods tending to undermine and prejudice our other colonies and plantations, which have equal title to our royal care; and whereas the trade and welfare of our province of New-York, would be greatly prejudiced, if not entirely ruined, by allowing unto the inhabitants of Nova-Cesaria, or New-Jersey,
‘any

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‘any exemption from those charges, which the inhabitants of New-York are liable to; you are therefore in the settling of a public revenue as before directed, to propose to the assembly, that such customs, duties and other impositions be laid upon all commodities imported or exported in or out of our said province of Nova-Cæsaria, or New Jersey, as may equal the charge that is or shall be laid upon the like commodities in our province of New-York.

‘24. And whereas we are willing in the best manner to provide for the support of the government of our said province, by setting apart sufficient allowances to such as shall be our governor or commander in chief, residing for the time being within the same; our will and pleasure therefore is, that when it shall happen, that you shall be absent from the territories of New-Jersey and New-York, of which we have appointed you governor, one full moiety of the salary and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence from the said territories, be paid and satisfied unto such governor or commander in chief who shall be resident upon the place for the time being, which we do hereby order and allot unto him towards his maintenance, and for the better support of the dignity of that our government.

‘25. Whereas great prejudice may happen to our service and the security of our said province under your government by your absence from those parts, without a sufficient cause and especial leave from us; for prevention thereof, you are not upon any pretence whatsoever, to come to Europe from your government, without first having obtained leave for so doing, under our signet and sign manual, or by our order in our privy council.

‘26. You are not to permit any clause whatsoever to be inserted in any law for the levying money, or the value of money, whereby the same shall not be made liable to be accounted for unto us here in England, and to our high treasurer, or to our commissioners of our treasury for the time being.

‘27. You

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‘27. You are to take care that fair books of accounts
‘of all receipts and payments of all such money be
‘duly kept, and the truth thereof attested upon oath,
‘and that the said books be transmitted every half year
‘or oftner, to our high treasurer, or to our commis-
‘sioners of our treasury for the time being, and to our
‘commissioners for trade and plantations, and duplicates
‘thereof by the next conveyance; in which books shall
‘be specified every particular sum raised or disposed of,
‘together with the names of the persons to whom any
‘payment shall be made, to the end we may be satis-
‘fied of the right and due application of the revenue of
‘our said province.

‘28. You are not to suffer any publick money what-
‘soever, to be issued or disposed of otherwise than by
‘warrant under your hand, by and with the advice
‘and consent of our said council; but the assembly
‘may be nevertheless permitted from time to time to
‘view and examine the accounts of money, or value
‘of money disposed of by virtue of laws made by
‘them, which you are to signify unto them as there
‘shall be occasion.

‘29. And it is our express will and pleasure, that
‘no law for raising any imposition of wines or other
‘strong liquors, be made to continue for less than one
‘whole year; as also that all laws whatsoever for the
‘good government and support of our said province,
‘be made indefinite, and without limitation of time,
‘except the same be for a temporary end, which shall
‘expire and have its full effect within a certain time.

‘30. And therefore you shall not re-enact any law
‘which shall have been once enacted there by you,
‘except upon very urgent occasions, but in no case
‘more than once without our express consent.

‘31. You shall not permit any act or order to pass
‘in our said province, whereby the price or value of the
‘current coin within your government, (whether it be
‘foreign or belonging to our dominions) may be
‘altered, without our particular leave or direction for
‘the same.

‘32. And

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‘32. And you are particularly not to pass any law or do any act, by grant, settlement, or otherwise, whereby our revenue, after it shall be settled, may be lessened or impaired, without our especial leave or commands therein.

‘33. You shall not remit any fines or forfeitures whatsoever, above the sum of ten pounds, nor dispose of any escheats, fines or forfeitures whatsoever, until, upon signifying unto our high treasurer, or to our commissioners of our treasury for the time being, and to our commissioners for trade and plantations, the nature of the offence and the occasion of such fines, forfeitures, or escheats, with the particular sums or value thereof, (which you are to do with all speed) you shall have received our directions therein; but you may in the mean time suspend the payment of the said fines and forfeitures.

‘34. You are to require the secretary of our said province, or his deputy for the time being, to furnish you with transcripts of all such acts and publick orders as shall be made from time to time, together with a copy of the journals of the council, to the end the same may be transmitted unto us, and to our commissioners for trade and plantations as above directed, which he is duly to perform, upon pain of incurring the forfeiture of his place.

‘35. You are also to require from the clerk of the assembly, or other proper officer, transcripts of all the journals and other proceedings of the said assembly, to the end the same may in like manner be transmitted as aforesaid.

‘36. Our will and pleasure is, that for the better quieting the minds of our good subjects, inhabitants of our said province, and for settling the properties and possessions of all persons concerned therein, either as general proprietors of the soil under the first original grant of the said province, made by the late king Charles the second, to the late duke of York, or as particular purchasers of any parcels of land from the said general proprietors, you shall propose to the

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‘general assembly of our said province, the passing of
‘such act or acts, whereby the right and property of
‘the said general proprietors, to the soil of our said
‘province, may be confirmed to them, according to
‘their respective rights and title; together with all such
‘quit-rents as have been reserved, or are or shall
‘become due to the said general proprietors, from the
‘inhabitants of our said province; and all such privi-
‘leges as are express’d in the conveyances made by the
‘said duke of York, excepting only the right of
‘government, which remains in us: And you are
‘further to take care, that by the said act or acts so to
‘be passed, the particular titles and estates of all the
‘inhabitants of that province, and other purchasers
‘claiming under the said general proprietors, be con-
‘firmed and settled as of right does appertain, under
‘such obligations as shall tend to the best and speediest
‘improvement or cultivation of the same. PROVIDED
‘ALWAYS, that you do not consent to any act or acts,
‘to lay any tax upon lands that lie unprofitable.

‘37. You shall not permit any other person or
‘persons besides the said general proprietors, or their
‘agents, to purchase any land whatsoever from the
‘Indians within the limits of their grant.

‘38. You are to permit the surveyors and other persons
‘appointed by the forementioned general proprietors of
‘the soil of that province, for surveying and recording
‘the surveys of land granted by and held of them, to
‘execute accordingly their respective trusts: And you
‘are likewise to permit, and if need be, aid and assist
‘such other agent or agents, as shall be appointed by
‘the said proprietors for that end, to collect and receive
‘the quit-rents which are or shall be due unto them,
‘from the particular possessors of any parcels or tracts
‘of land from time to time. PROVIDED ALWAYS,
‘that such surveyors, agents or other officers appointed
‘by the said general proprietors, do not only take
‘proper oaths for the due execution and performance
‘of their respective offices or employments, and give
‘good and sufficient security for their so doing, but that
‘they

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‘they likewise take the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, *An act to declare the alteration in the oath appointed to be taken by the act, entitled, An act for the further security of his majesty’s person and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined*; as also the forementioned test. And you are more particularly to take care that all lands purchased from the said proprietors, be cultivated and improved by the possessors thereof.

‘39. You shall transmit unto us, and to our commissioners for trade and plantations, by the first opportunity, a map with the exact description of our whole territory under your government, and of the several plantations that are upon it.

‘40. You are likewise to send a list of officers employed under your government, together with all publick charges.

‘41. You shall not displace any of the judges, justices, sheriffs, or other officers or ministers within our said province, without good and sufficient cause to be signified unto us, and to our said commissioners for trade and plantations; and to prevent arbitrary removal of judges and justices of the peace, you shall not express any limitation of time in the commissions which you are to grant, with the advice and consent of the council of our said province, to persons fit for those employments, nor shall you execute yourself, or by deputy, any of the said offices, nor suffer any persons to execute more offices than one by deputy.

‘42. Whereas we are given to understand, that there are several offices within our said province granted under the great seal of England, and that our service may be very much prejudiced by reason of the absence of the patentees, and by their appointing deputies not fit to officiate in their stead; you are therefore

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‘ therefore to inspect the said offices, and to inquire into
 ‘ the capacity and behaviour of the persons now exer-
 ‘ cising them, and to report thereupon to us, and to
 ‘ our commissioners, for trade and plantations, what
 ‘ you think fit to be done or altered in relation there-
 ‘ unto; and you are upon the misbehaviour of any of
 ‘ the said patentees, or their deputies, to suspend them
 ‘ from the execution of their places, till you shall have
 ‘ represented the whole matter and received our directi-
 ‘ ons therein; but you shall not by colour of any power
 ‘ or authority hereby or otherwise granted or mentioned
 ‘ to be granted unto you, take upon you to give, grant
 ‘ or dispose of any office or place within our said pro-
 ‘ vince, which now is or shall be granted under the
 ‘ great seal of England, any further than that you may
 ‘ upon the vacancy of any such office or place, or sus-
 ‘ pension of any such officer by you as aforesaid, put
 ‘ in any fit person to officiate in the interval till you
 ‘ shall have represented the matter unto us, and to our
 ‘ commissioners for trade and plantations as aforesaid,
 ‘ (which you are to do by the first opportunity) and
 ‘ till the said office or place be disposed of by us, our
 ‘ heirs or successors, under the great seal of England,
 ‘ or that our further directions be given therein.

‘ 43. In case any goods, money, or other estate of
 ‘ pirates, or piratically taken, shall be brought in, or
 ‘ found within our said province of Nova-Cesaria, or
 ‘ New-Jersey, or taken on board any ships or vessels,
 ‘ you are to cause the same to be seized and secured
 ‘ until you shall have given us an account thereof, and
 ‘ received our pleasure concerning the disposal of the
 ‘ same: But in case such goods or any part of them are
 ‘ perishable, the same shall be publickly sold and dis-
 ‘ posed of, and the produce thereof in like manner
 ‘ secured until our further order.

‘ 44. And whereas commissions have been granted
 ‘ unto several persons in our respective plantations in
 America, for the trying of pirates in those parts pur-
 ‘ suant to the act for the more effectual suppression of
 ‘ piracy, and by a commission already sent to our pro-
 ‘ vince

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‘vince of New-York, you (as captain general and
 ‘governor in chief of our said province of New-York)
 ‘are empowered, together with others therein menti-
 ‘oned, to proceed accordingly in reference to our pro-
 ‘vinces of New-York, New Jersey, and Connecticut;
 ‘our will and pleasure is, that in all matters relating
 ‘to pirates, you govern yourself according to the
 ‘intent of the act and commission aforementioned; but
 ‘whereas accessaries in cases of piracy beyond the seas,
 ‘are by the same act left to be tried in England,
 ‘according to the statute of the second of king Henry
 ‘the eighth, we do hereby further direct and require
 ‘you to send all such accessaries in cases of piracy in
 ‘our aforesaid province of Nova-Cæsaria or New-
 ‘Jersey, with the proper evidences that you may have
 ‘against them, into England, in order to their being
 ‘tried here.

‘45. You shall not erect any court or office of judi-
 ‘cature, not before erected or established, without our
 ‘especial order.

‘46. You are to transmit unto us and to our com-
 ‘missioners for trade and plantations, with all conve-
 ‘nient speed, a particular account of all establishments
 ‘of jurisdictions, courts, offices, and officers, powers,
 ‘authorities, fees and privileges, which shall be
 ‘granted or settled within the said province, by virtue
 ‘and in pursuance of our commission and instructions
 ‘to you our captain general and governor in chief of
 ‘the same, to the end you may receive our further
 ‘direction therein.

‘47. And you are with the advice and consent of
 ‘our said council, to take especial care to regulate all
 ‘salaries and fees belonging to places, or paid upon
 ‘emergencies, that they be within the bounds of mode-
 ‘ration, and that no exaction be made on any occasion
 ‘whatsoever; as also, that tables of all fees be pub-
 ‘lickly hung up in all places where such fees are to be
 ‘paid; and you are to transmit copies of all such tables
 ‘of fees to us, and to our commissioners for trade and
 ‘plantations as aforesaid.

‘48. Whereas

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‘48. Whereas it is necessary that our rights and
‘dues be preserved and recovered, and that speedy and
‘effectual justice be administered in all cases relating to
‘our revenue, you are to take care, that a court of
‘exchequer be called and do meet at all such times as
‘shall be needful, and you are to inform us and our
‘commissioners for trade and plantations, whether our
‘service may require that a constant court of exchequer
‘be settled and established there.

‘49. You are to take care that no man’s life, mem-
‘ber, freehold, or goods be taken away or harmed in
‘our said province, otherwise than by established and
‘known laws, not repugnant to, but as much as may
‘be, agreeable to the laws of England.

‘50. You shall administer, or cause to be admini-
‘stred, the oaths appointed by act of parliament to be
‘taken instead of the oaths of allegiance and supremacy,
‘and the oath mentioned in the aforesaid act, entitled,
‘*An act to declare the alteration in the oath appointed*
‘*to be taken by the act, entitled, An act for the further*
‘*security of his majesty’s person, and the succession of the*
‘*crown in the protestant line, and for extinguishing the*
‘*hopes of the pretended prince of Wales, and all other*
‘*pretenders, and their open and secret abettors, and for*
‘*declaring the association to be determined*; as also the
‘forementioned test, to the members and officers of
‘the council and assembly, and to all judges, justices,
‘and all other persons that hold any office or place of
‘trust or profit in the said province, whether by virtue
‘of any patent under our great seal of England, or
‘otherwise, without which you are not to admit any
‘person whatsoever into any publick office, nor suffer
‘those who have been admitted formerly to continue
‘therein.

‘51. You are to permit a liberty of conscience to
‘all persons (except papists) so they may be contented
‘with a quiet and peaceable enjoyment of the same,
‘not giving offence or scandal to the government.

‘52. And whereas we have been informed, that
‘divers of our good subjects inhabiting those parts,
‘do.

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‘do make a religious scruple of swearing, and by reason
 ‘of their refusing to take an oath in courts of justice
 ‘and other places, are or may be liable to many incon-
 ‘veniences; our will and pleasure is, that in order to
 ‘their ease in what they conceive to be matter of con-
 ‘science, so far as may be consistent with good order
 ‘and government, you take care, that an act be passed
 ‘in the general assembly of our said province, to the
 ‘like effect as that passed here in the seventh and eighth
 ‘years of his majesty’s reign, entitled, *An act, that*
 ‘*the solemn affirmation and declaration of the people*
 ‘*called Quakers, shall be accepted, instead of an oath in*
 ‘*the usual form*, and that the same be transmitted to
 ‘us, and to our commissioners for trade and plantations
 ‘as before directed.

‘53. And whereas we have been further informed,
 ‘that in the first settlement of the government of our
 ‘said province, it may so happen, that the number of
 ‘inhabitants fitly qualified to serve in our council in
 ‘the general assembly, and in other places of trust or
 ‘profit there, will be but small; it is therefore our will
 ‘and pleasure, that such of the said people called
 ‘quakers, as shall be found capable of any of those
 ‘places or employments, and accordingly be elected or
 ‘appointed to serve therein, may upon their taking
 ‘and signing the declaration of allegiance, to us in the
 ‘form used by the same people here in England, toge-
 ‘ther with a solemn declaration for true discharge of
 ‘their respective trusts, be admitted by you into any
 ‘of the said places or employments.

‘54. You shall send an account unto us, and to our
 ‘commissioners for trade and plantations, of the pre-
 ‘sent number of planters and inhabitants, men women
 ‘and children, as well masters as servants, free and
 ‘unfree, and of the slaves in our said province, as
 ‘also a yearly account of the increase or decrease of
 ‘them, and how many of them are fit to bear arms in
 ‘the militia of our said province.

‘55. You shall also cause an account to be kept of
 ‘all persons born, christened and buried, and you
 ‘shall

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‘ shall yearly send fair abstracts thereof to us, and to our
‘ commissioners for trade and plantations as aforesaid.

‘ 56. You shall take care, that all planters and chri-
‘ stian servants, be well and fitly provided with arms,
‘ and that they be listed under good officers, and when
‘ and as often as shall be thought fit, mustered and
‘ trained, whereby they may be in a better readiness
‘ for the defence of our said province under your
‘ government ; and you are to endeavour to get an act
‘ pass’d, (if not already done) for apportioning the
‘ number of white servants to be kept by every planter.

‘ 57. You are to take especial care, that neither the
‘ frequency, nor unreasonableness of their marches,
‘ musters and trainings, be an unnecessary impediment
‘ to the affairs of the inhabitants.

‘ 58. You shall not, upon any occasion whatsoever,
‘ establish, or put in execution, any articles of war,
‘ or other law martial, upon any of our subjects, inha-
‘ bitants of our said province, without the advice and
‘ consent of our council there.

‘ 59. And whereas there is no power given you by
‘ your commission, to execute martial law in time of
‘ peace upon soldiers in pay, and that nevertheless it
‘ may be necessary that some care be taken for the
‘ keeping of good discipline amongst those, that we
‘ may at any time think fit to send into our said pro-
‘ vince, (which may properly be provided for by the
‘ legislative power of the same) you are therefore to
‘ recommend to the general assembly of our said pro-
‘ vince, that they prepare such act or law for the punish-
‘ ing of mutiny, desertion and false musters and for
‘ the better preserving of good discipline amongst the
‘ said soldiers, as may best answer those ends.

‘ 60. And whereas upon complaints that have been
‘ made of the irregular proceedings of the captains of
‘ some of our ships of war, in the pressing of seamen
‘ in several of our plantations ; we have thought fit to
‘ order, and have given directions to our high admiral
‘ accordingly, that when any captain or commander
‘ of any of our ships of war, in any of our said plan-
‘ tations

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‘tations, shall have occasion for seamen, to serve on
 ‘board our ships under their command, they do make
 ‘their applications to the governors, and commanders
 ‘in chief of our plantations respectively, to whom
 ‘as vice admirals, we are pleased to commit the sole
 ‘power of impressing seamen in any of our plan-
 ‘tations in America, or in sight of any of them, you
 ‘are therefore hereby required upon such application
 ‘made to you, by any of the commanders of our
 ‘said ships of war within our province of Nova-Cæ-
 ‘saria, or New-Jersey, to take care that our said ships
 ‘of war, be furnished with a number of seamen that
 ‘may be necessary for our service on board them from
 ‘time to time.

‘61. And whereas together with other powers of
 ‘vice admiralty, you will receive authority from our
 ‘dearest husband prince George of Denmark, our
 ‘high admiral of England, and of our plantations,
 ‘upon the refusal or neglect of any captain or com-
 ‘mander of any of our ships of war, to execute the
 ‘written orders he shall receive from you for our ser-
 ‘vice, and the service of our province under your
 ‘government, or upon his negligent or undue execu-
 ‘tion thereof, to suspend him, such captain or com-
 ‘mander from the exercise of his said office of captain
 ‘or commander, and to commit him into safe custody
 ‘either on board his own ship or elsewhere, at your
 ‘discretion, in order to his being brought to answer for
 ‘such refusal or neglect, by commission either under
 ‘our great seal of England, or from our high admiral,
 ‘or our commissioners for executing the office of our
 ‘high admiral of England for the time being.

‘62. And whereas you will likewise receive direc-
 ‘tions from our said dearest husband, as our high admi-
 ‘ral of England, and of our plantations, that the cap-
 ‘tain or commander, so by you suspended, shall during
 ‘such his suspension and commitment, be succeeded in
 ‘his said office by such commission or warrant officer
 ‘of our said ship, appointed by our said high admiral
 ‘of England, or by our commissioners for executing
 ‘the

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‘ the office of our high admiral of England for the time
 ‘ being, as by the known practice and discipline of
 ‘ our navy, does and ought to succeed him next as in
 ‘ case of death, sickness, or other ordinary disability
 ‘ happening to the commander of any of our ships of
 ‘ war and not otherwise, you standing also accountable
 ‘ for the truth and importance of the crime and mis-
 ‘ demeanor, for which you shall so proceed to the sus-
 ‘ pending of such our captain or commander; you are
 ‘ not to exercise the said power of suspending any such
 ‘ captains or commanders of our ships of war, other-
 ‘ wise than by virtue of such commission or authority
 ‘ from our said high admiral; any former custom or
 ‘ usage to the contrary notwithstanding.

‘ 63. Whereas it is absolutely necessary, that we be
 ‘ exactly informed of the state of defence of all our
 ‘ plantations in America, as well in relation to the
 ‘ stores of war that are in each plantation, as to the
 ‘ forts and fortifications there, and what more may be
 ‘ necessary to be built for the defence and security of
 ‘ the same; you are so soon as possible, to prepare an
 ‘ account thereof, with relation to our said province
 ‘ of Nova-Cæsaria, or New-Jersey, in the most par-
 ‘ ticular manner, and you are therein to express the
 ‘ present state of the arms, ammunition, and other
 ‘ stores of war, either in any publick magazines, or
 ‘ in the hands of private persons, together with the
 ‘ state of all places either already fortified, or that
 ‘ you judge necessary to be fortified for the security of
 ‘ our said province; and you are to transmit the said
 ‘ account to us, and to our commissioners for trade
 ‘ and plantations by the first opportunity, and other
 ‘ like accounts yearly in the same manner.

‘ 64. And that we may be the better informed of
 ‘ the trade of our said province, you are to take espe-
 ‘ cial care, that due entries be made in all ports in our
 ‘ said province of all goods and commodittes, their
 ‘ species or quantities imported or exported from thence,
 ‘ with the names, burden, and guns of all ships im-
 ‘ porting and exporting the same, also the names of
 ‘ their

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‘their commanders, and likewise expressing from and
‘to what places the said ships do come and go, a copy
‘whereof the naval officer is to furnish you with, and
‘you are to transmit the same unto us, or our high trea-
‘surer, or our commissioners of our treasury for the
‘time being, and to our commissioners for trade and
‘plantations quarterly, and duplicates thereof by the
‘next conveyance.

‘65. And whereas great losses have been sustained
‘by our subjects, trading to our plantations in America,
‘by ships sailing from those parts without convoy, or
‘without the company of other ships, which might
‘protect them from our enemies, by which means
‘many of them have been taken by the French in their
‘return to England; to the end therefore the ships of
‘our subjects may be the better secured in their return
‘home, you are to take care that during this time of
‘war, no ships trading to our province of Nova-Cae-
‘saria, or New Jersey, be permitted to come from
‘thence to England, but in fleets, or under the convoy
‘or protection of some of our ships of war, or at such
‘a time as you shall receive notice from hence, of their
‘meeting such convoys, as may be appointed for the
‘bringing them safe to some of our ports in this king-
‘dom; and in case of any danger, you are to expect
‘directions from hence, what precautions shall be
‘further necessary for their security.

‘66. You are likewise to examine what rates and
‘duties are charged and payable upon any goods im-
‘ported or exported within our province of Nova-
‘Caesaria, or New-Jersey, whether of the growth or
‘manufacture of the said province or otherwise, and
‘to use your best endeavours for the improvement of
‘the trade in those parts.

‘67. And whereas orders have been given for the
‘commissionating of fit persons to be officers of our
‘admiralty and customs in our several plantations in
‘America; and it is of great importance to the trade
‘of this kingdom, and to the welfare of all our plan-
‘tations, that illegal trade be every where discouraged.

‘You

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‘You are therefore to take especial care, that the acts
‘of trade and navigation be duly put in execution;
‘and in order thereunto, you are to give constant pro-
‘tection and all due encouragement to the said officers
‘of our admiralty and customs, in the execution of
‘their respective offices and trusts within our territories
‘under your government.

‘68. You are from time to time to give an account
‘as before directed, what strength your bordering
‘neighbours have, be they Indians or others, by sea
‘and land, and of the condition of their plantations,
‘and what correspondence you do keep with them.

‘69. You shall take especial care, that God Al-
‘mighty be devoutly and duly served throughout your
‘government, the book of common prayer as by law
‘established, read each sunday, and holy-day, and the
‘blessed sacrament administered according to the rites
‘of the church of England.

‘70. You shall be careful that the churches already
‘built there, be well and orderly kept, and that more
‘be built, as the colony shall by God’s blessing be
‘improved; and that besides a competent maintenance
‘to be assigned to the minister of each orthodox church,
‘a convenient house be built at the common charge
‘for each minister, and a competent proportion of
‘land assigned to him, for a glebe and exercise of his
‘industry.

‘71. And you are to take care, that the parishes be
‘so limited and settled, as you shall find most conve-
‘nient for the accomplishing this good work.

‘72. You are not to prefer any minister to any eccle-
‘siastical benefice in that our province, without a cer-
‘tificate from the right reverend father in God the
‘lord bishop of London, of his being conformable to
‘the doctrine and discipline of the church of England,
‘and of a good life and conversation: And if any
‘person already prefer’d to a benefice, shall appear to
‘you to give scandal either by his doctrine or manners,
‘you are to use the best means for the removal of him,
‘and to supply the vacancy in such manner as we have
‘directed.

‘73. You

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'73. You are to give order, that every orthodox minister within your government, be one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that after the notice of a vestry summon'd, he omit to come.

'74. You are to enquire whether there be any minister within your government, who preaches and administers the sacraments in any orthodox church or chapel, without being in due orders, and to give account thereof to the said lord bishop of London.

'75. And to the end the ecclesiastical jurisdiction of the said lord bishop of London, may take place in our said province so far as conveniently may be, we do think fit that you give all countenance and encouragement to the exercise of the same, excepting only the collating to benefices, granting licences for marriages, and probate of wills, which we have reserved to you our governor and the commander in chief of our said province for the time being.

'76. And you are to take especial care, that a table of marriages established by the canons of the church of England, be hung up in every orthodox church, and duly observed, and you are to endeavour to get a law passed in the assembly of our said province, (if not already done) for the strict observation of the said table.

'77. You are to take care, that drunkenness and debauchery, swearing and blasphemy, be discountenanced and punished: And for the further discountenance of vice, and encouragement of virtue and good living, (that by such example the infidels may be invited and desire to partake of the christian religion) you are not to admit any person to publick trusts and employments in our said province under your government, whose ill fame and conversation may occasion scandal.

'78. You are to suppress the ingrossing of commodities as tending to the prejudice of that freedom which commerce and trade ought to have, and to settle

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‘settle such orders and regulations therein with the
‘advice of the council, as may be most conducive to
‘the benefit and improvement of that colony.

‘79. You are to give all due encouragement and
‘invitation to merchants and others, who shall bring
‘trade unto our said province, or any way contribute
‘to the advantage thereof, and in particular the royal
‘African company of England.

‘80. And whereas we are willing to recommend
‘unto the said company, that the said province may
‘have a constant and sufficient supply of merchantable
‘Negroes, at moderate rates, in money or commodi-
‘ties; so you are to take especial care, that payment
‘be duly made, and within a competent time accord-
‘ing to their agreements.

‘81. And you are to take care, that there be no
‘trading from our said province to any place in Africa,
‘within the charter of the royal African company,
‘otherwise then prescribed by an act of parliament,
‘entitled, *An act to settle the trade to Africa*.

‘82. And you are yearly to give unto us, and to our
‘commissioners for trade and plantations, an account
‘of what number of Negroes our said province is
‘yearly supplied with, and at what rates.

‘83. You are likewise from time to time, to give
‘unto us, and to our commissioners for trade and
‘plantations as aforesaid, an account of the wants and
‘defects of our said province, what are the chief
‘products thereof, what new improvements are made
‘therein by the industry of the inhabitants or planters,
‘and what further improvements you conceive may be
‘made, or advantages gained by trade, and in what
‘manner we may best advance the same.

‘84. You are not to grant commissions of marque
‘or reprisals, against any prince or state, or their
‘subjects in amity with us, to any person whatsoever,
‘without our especial command.

‘85. Our will and pleasure is, that appeals be made
‘in cases of error from the courts in our said province
‘of Nova-Casaria, or New-Jersey, unto you and the
‘council

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‘council there; and in your absence from our said
 ‘province, to our commander in chief for the time
 ‘being, and our said council, in civil causes, wherein
 ‘such of our said council as shall be at that time judges
 ‘of the court from whence such appeal shall be made
 ‘to you our governor, and council, or to the com-
 ‘mander in chief for the time being, and council as
 ‘aforesaid, shall not be admitted to vote upon the
 ‘said appeal, but they may nevertheless be present at
 ‘the hearing thereof, to give the reasons of the judg-
 ‘ment given by them, in the cause wherein such appeal
 ‘shall be made. PROVIDED NEVERTHELESS, that in
 ‘all such appeals, the sum or value appealed for exceed
 ‘one hundred pounds sterling, and that security
 ‘be first duly given by the appellant to answer such
 ‘charges as shall be awarded in case the first sentence
 ‘be affirmed.

‘86. And if either party shall not rest satisfied with
 ‘the judgment of you, or the commander in chief for
 ‘the time being, and council as aforesaid; our will
 ‘and pleasure is, that they may then appeal unto us,
 ‘in our privy council, provided the sum or value so
 ‘appealed for unto us, do exceed two hundred pounds
 ‘sterling, and that such appeal be made within four-
 ‘teen days after sentence; and that good security be
 ‘given by the appellant, that he will effectually pro-
 ‘secute the same, and answer the condemnation, as
 ‘also pay such costs and damages as shall be awarded
 ‘by us, in case the sentence of you, or the commander
 ‘in chief for the time being, and council, be affirmed.
 ‘And provided also, that execution be not suspended
 ‘by reason of any such appeal to us.

‘87. You are also to permit appeals to us in council,
 ‘in all cases of fines imposed for misdemeanors; pro-
 ‘vided the fines so imposed, amount to or exceed the
 ‘value of two hundred pounds, the appellant first
 ‘giving good security, that he will effectually prose-
 ‘cute the same, and answer the condemnation, if the
 ‘sentence by which such fine was imposed in our said
 ‘province of Nova-Cesaria, or New-Jersey, shall be
 ‘confirmed.

‘88. You

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‘88. You are for the better administration of justice, to endeavour to get a law passed (if not already done) wherein shall be set the value of men’s estates, either in goods or lands, under which they shall not be capable of serving as jurors.

‘89. You shall endeavour to get a law pass’d for the restraining of any inhuman severity, which by ill masters or overseers, may be used towards their christian servants, and their slaves, and that provision be made therein, that the wilful killing of Indians and Negroes may be punished with death, and that a fit penalty be imposed for the maiming of them.

‘90. You are also with the assistance of the council and assembly, to find out the best means to facilitate and encourage the conversion of Negroes and Indians, to the christian religion.

‘91. You are to endeavour with the assistance of the council to provide for the raising of stocks, and building of publick work-houses, in convenient places, for the employing of poor and indigent people.

‘92. You are to propose an act to be passed in the assembly, whereby the creditors of persons becoming bankrupts in England, and having estates in our aforesaid province of New-Jersey, may be relieved and satisfied for the debts owing to them.

‘93. You are to encourage the Indians upon all occasions, so as they may apply themselves to the English trade and nation, rather than to any other of Europe.

‘94. And whereas the preservation of the northern frontiers of our province of New-York, against the attempts of any enemy by land, is of great importance to the security of our other northern plantations on the continent of America, and more especially of our said province of New-Jersey, which lies so near adjoining to our province of New-York, and the charge of erecting and repairing the fortifications, and of maintaining the soldiers necessary for the defence of the same, is too great to be borne by the single

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‘single province of New-York, without due contri-
 ‘butions from others concerned therein, for which
 ‘reason, we have upon several occasions, required
 ‘such contributions to be made, and accordingly
 ‘settled a quota to regulate the proportions thereof;
 ‘you are therefore to take further care, to dispose the
 ‘general assembly of our said province of New-Jersey,
 ‘to the raising of such other supplies, as are or may
 ‘be necessary for the defence of our province of New-
 ‘York, according to the signification of our will and
 ‘pleasure therein, which has already been made to the
 ‘inhabitants of New-Jersey, or which shall at any
 ‘time hereafter be made to you our governor, or to
 ‘the commander in chief of our said province for the
 ‘time being.

‘95. And in case of any distress of any of our
 ‘plantations, you shall upon application of the respec-
 ‘tive governors to you, assist them with what aid the
 ‘condition and safety of your government will permit,
 ‘and more particularly in case our province of New-
 ‘York, be at any time attacked by an enemy, the
 ‘assistance you are to contribute towards the defence
 ‘thereof, whether in men or money, is according to
 ‘the forementioned quota or repartition, which has
 ‘already been signified to the inhabitants of our fore-
 ‘said province under your government, or according
 ‘to such other regulations as we shall hereafter make in
 ‘that behalf, and signify to you or the commander in
 ‘chief of our said province for the time being.

‘96. And for the greater security of our province
 ‘of New-Jersey, you are to appoint fit officers and
 ‘commanders in the several parts of the country bor-
 ‘dering upon the Indians, who upon any invasion
 ‘may raise men and arms to oppose them, until they
 ‘shall receive your directions therein.

‘97. And whereas we have been pleased by our
 ‘commission to direct, that in case of your death or
 ‘absence from our said province, and in case there be
 ‘at that time no person upon the place commissioned
 ‘or appointed by us to be our lieutenant governor, or
 R commander

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‘commander in chief, the then present council of our
‘said province, shall take upon them the administra-
‘tion of the government, and execute our said com-
‘mission, and the several powers and authorities
‘therein contained in the manner therein directed; it
‘is nevertheless our express will and pleasure, that in
‘such case the said council shall forbear to pass any acts,
‘but what are immediately necessary for the peace and
‘welfare of our said province, without our particular
‘order for that purpose.^w

‘98. You

^w. This article was afterwards supplied as follows:

‘ANNE R.

‘Additional instruction to our right trusty and well beloved Edward
‘lord viscount Cornbury, our captain general and governor in
‘chief of our province of New-Jersey, in America, and in his
‘absence to our lieutenant governor and commander in chief of
‘our said province for the time being. Given at our court at
‘Kensington, the third day of May, in the sixth year of our
‘reign, 1707.

‘WHEREAS by a clause in our commission and instruction to you
‘our captain general and governor in chief of our province of
‘New-Jersey, it is directed, that upon your death or absence, in
‘case there be no lieutenant governor appointed by us upon the
‘place, that then the council do take upon them the administration
‘of the government, and that the eldest councillor do preside as by
‘the said commission and instructions is more particularly set
‘forth; and we having observed, that this instruction has given
‘occasion of many controversies and disputes between the president
‘and the councillors, and between the councillors themselves and
‘otherwise, in several of our plantations, to the great hindrance of
‘the publick business, and the prejudice and disturbance of our
‘service there; our will and pleasure therefore is, that if upon
‘your death or absence there be no person upon the place commis-
‘sionated by us to be our lieutenant governor or commander in
‘chief, the eldest councillor whose name is first placed in our said
‘instructions to you, and who shall be at that time of your death
‘or absence residing within our said province of New-Jersey, shall
‘take upon him the administration of the government and execute
‘our said commission and instructions, and the several powers and
‘authorities therein contained, in the same manner and to all intents
‘and purposes, as either our governor or commander in chief should
‘or ought to do in case of your absence, or until your return, or
‘in all cases until our further pleasure be known therein. So we
‘bid you heartily farewell.

By her majesty’s command,

SUNDERLAND.

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‘98. You are to take care, that all writs be issued
‘in our name throughout our said province.

‘99. Forasmuch as great inconveniencies may arise
‘by the liberty of printing in our said province, you
‘are to provide by all necessary orders, that no person
‘keep any press for printing, nor that any book, pam-
‘phlet or other matters whatsoever be printed without
‘your especial leave and license first obtained.

‘100. And if any thing shall happen that may be
‘of advantage and security to our said province, which
‘is not herein, or by our commission to you provided
‘for, we do hereby allow unto you, with the advice
‘and consent of our council of our said province, to
‘take order for the present therein, giving unto us by
‘one of our principal secretary’s of state, and to our
‘commissioners for trade and plantations, speedy notice
‘thereof, that so you may receive our ratification if
‘we shall approve of the same.

‘101. PROVIDED ALWAYS, that you do not by
‘any colour of any power or authority hereby given
‘you, commence or declare war, without our know-
‘ledge and particular commands therein, except it be
‘against

The following instruction relates also to the council, and bears
date in the same year.

‘ANNE R.

‘Right trusty and well beloved, we greet you well: Whereas
‘we are sensible that effectual care ought to be taken to oblige the
‘members of our council to a due attendance therein, in order to
‘prevent the many inconveniencies that may happen from the
‘want of a quorum of the council to transact business as occasions
‘require; it is our will and pleasure, that if any of the members
‘of our said council shall hereafter wilfully absent themselves when
‘duly summoned, without a just and lawful cause, and shall persist
‘therein after admonition, you suspend the said councillors so
‘absenting themselves till our further pleasure be known, giving
‘us timely notice thereof; and we hereby will and require you
‘that our royal pleasure be signified to the several members of our
‘council in New-Jersey, and that it be entered in the council books
‘of our said province as a standing rule; so we bid you farewell.
‘Given at our court of Kensington, the twentieth day of Novem-
‘ber, 1707, in the the sixth year of our reign.

By her majesty’s command,
SUNDERLAND.’

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‘against Indians, upon emergencies, wherein the consent of our council shall be had, and speedy notice given thereof unto us as aforesaid.

‘102. And you are upon all occasions to send unto us by one of our principal secretary’s of state, and to our commissioners for trade and plantations, a particular account of all your proceedings, and of the condition of affairs within your government.

103. And whereas the lords spiritual and temporal in parliament, upon consideration of the great abuses practised in the plantation trade, did by an humble address, represent to his late majesty, the great importance it is of, both to this our kingdom and to our plantations in America, that the many good laws which have been made for the government of the said plantations, and particularly the act passed in the seventh and eighth years of his said majesty’s reign, entitled, *An act for preventing frauds, and regulating abuses in the plantation trade*, be strictly observed. You are therefore to take notice, that whereas notwithstanding the many good laws made from time to time, for preventing frauds in the plantation trade, it is nevertheless manifest, that very great abuses have been and continue still to be practised to the prejudice of the same, which abuses must needs arise, either from the insolvency of the persons who are accepted for the security or from the remissness or connivance of such as have been, or are governors in the several plantations, who ought to take care, that those persons who give bond should be duly prosecuted, in case of non performance; we take the good of our plantations and the improvement of the trade thereof, by a strict and punctual observance of the several laws in force concerning the same, to be of so great importance to the benefit of this our kingdom, and to the advancing of the duties of our customs here, that if we shall be hereafter informed, that at any time there shall be any failure in the due observance of those laws, within our foresaid province of Nova-Cæsaria, or New Jersey, by any wilful fault or neglect on your part, we shall
‘look

‘look upon it as a breach of the trust reposed in you
 ‘by us, which we shall punish with the loss of your
 ‘place in that government, and such further marks of
 ‘our displeasure, as we shall judge reasonable to be
 ‘inflicted upon you, for your offence against us, in a
 ‘matter of this consequence, that we now so particu-
 ‘larly charge you with.’

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CHAP. XIV.

*Observations on Lord Cornbury's instructions, and the
 privileges originally granted to the settlers, with
 abstracts of some of them.*

§ I. I T is apparent, from the whole tenor of the application from the proprietors, that they had constantly in view the reservation of the principal privileges they enjoyed; and that their meaning was only to part with the powers of government; accordingly in the instrument of surrender, nothing appears to be resigned but *these*; their endeavours therefore to stipulate expressly for a fresh confirmation of particular privileges, seems to have been owing to an unnecessary diffidence; they were however so far indulged, that a draught of the foregoing commission and instructions was prepared and shewn to them for their acquiescence, conformable to what the Lords of trade in their representation of *October 2, 1701, had proposed.*^{x.}

Observa-
 tions.

§ II. After the lords commissioners for trade and plantations had prepared a draught of the commission and instructions for a new governor, they referred it to sir *Thomas Lane*, and the proprietors, in the words following;

‘Sir

x. Appendix numb. xiii.

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‘Sir, Whitehall, November 14, 1701.

‘I am commanded by the lords commissioners for trade and foreign plantations, to send you the inclosed draught of a commission and instructions for a governor for his majesty’s province of *New-Jersey*, prepared by order of their excellencies the lords justices, that you may communicate the same to the proprietors of both the divisions of *East New-Jersey*, and *West New-Jersey*, for their observation thereupon; which their lordships desire may be made and returned to them with all convenient speed, in order to such further proceedings as shall be found necessary, for the settling that province in a due form of government.

‘I am, sir, your most humble servant,

WILLIAM POPPLE.

‘To sir Thomas Lane, Knight and Alderman’.

§ III. The report of the lords of trade to king William upon the same occasion, not long before the surrender, was conceived in the terms following.

‘To the King’s most excellent majesty.

‘May it please your majesty,

‘Having been directed by their excellencies the lords justices, upon a representation, which we humbly laid before them, concerning the disorders in your majesty’s provinces of *East and West New-Jersey*, in *America*; to prepare draughts of a commission and instructions for a governor to be sent thither by your majesty, and to consult therein the proprietors of those provinces, in order to the surrender of their pretended right to the government of the same: We humbly lay before your majesty the draughts which we have prepared accordingly, with such clauses as we conceive proper, to enable the governor, for whose name we have left a blank, to proceed in settling a govern-
ment

y. King William died between this and the surrender, having (its said) first nominated lord Cornbury, governor of *New-York* and *New-Jersey*, on account of the services of his father; who was among the first officers that after his landing at *Torbay*, came over to him with his regiment.

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‘ment in that country, conformable, (as near as the
 ‘circumstances of the inhabitants will permit) to the
 ‘method of government, settled by your majesty’s
 ‘respective commissioners in your other American plan-
 ‘tations; and withal to prevent the interfering of that
 ‘colony with the interest of those other plantations;
 ‘We have also in pursuance of their excellencies direc-
 ‘tions, communicated the said draughts to sir Thomas
 ‘Lane, and others, the principal proprietors of West
 ‘New-Jersey, and to Mr. William Dockwra, secre-
 ‘tary,^z and others, the principal proprietors of East
 ‘New-Jersey; in behalf of themselves, and the rest
 ‘of the proprietors of both those divisions; which
 ‘draughts they have unanimously approved; and in
 ‘confidence that your majesty will be graciously pleased
 ‘accordingly to constitute a governor over those coun-
 ‘tries, they have declared themselves willing and ready
 ‘to surrender all their right, or pretence of right to
 ‘government, which they have hitherto claimed;
 ‘whereupon we humbly request to your majesty, that
 ‘the reducing these colonies to an orderly form of
 ‘government, under a governor constituted by your
 ‘majesty’s immediate commission, will be of great
 ‘service to your majesty, in preventing illegal trade,
 ‘and the harbouring of pirates, and will be of good
 ‘influence throughout the other plantations; and we
 ‘humbly offer, that mr. attorney general be directed
 ‘forthwith to prepare a form of a surrender of their
 ‘said right, or pretence of right to government,
 ‘which may be most effectual to the extinguishing
 ‘their said pretensions, and present the same to your
 ‘majesty.

‘And whereas they have desired, that the first gover-
 ‘nor to be thus appointed by your majesty, may be a
 ‘person

z. Contriver of the penny-post, in the city of London: Old-
 mixon, says, he got his information of New-Jersey from him;
 and that he, in the name of the Proprietors of East-Jersey, and sir
 Thomas Lane (who had purchased the best part of Dr. Coxe’s share
 of propriety) on behalf of West-Jersey, waited on the queen, and
 made a formal surrender of the sovereignty; reserving all their rights.

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‘person fitly qualified for that service; but cannot agree in the recommendation of any particular person: We humbly propose, that when the surrender shall be made, your majesty would be pleased to nominate some person wholly unconcerned in the factions, which have divided the inhabitants of those parts, all which nevertheless is most humbly submitted.

‘ Whitehall,	}	Wm. Blathwayt,	Ph. Meadows,
Jan. 6th. 1701-2.		John Pollexson,	Abr. Hill,
		Stanford,	Mat Prior.’

§ IV. In a memorial hereafter inserted *a.* of the proprietors of West-Jersey, to the lords commissioners of trade and plantations, against lord Cornbury, signed by sir Thomas Lane, and other *b.* proprietors, who signed the surrender; we find them recapitulating several matters, and asserting that they were part of the terms of their surrender, and placed as such among others in the instructions.

And by the assembly’s remonstrance, in 1707, it appears, they ‘thought their privileges more secure than some of their neighbours,’ and fully depended on being protected in the enjoyment of them.

§ V. Among the instructions to lord Cornbury are to be found, the principal matters the proprietors pointed out as what they desir’d to have reserved, the articles 9, 14, 15, 16, 36, 37, 38, 45, 51, 52, 53, 86, 87, bear evident marks that they were of this number; these and such of the others as reserve or reinforce the particular privileges of the proprietors and inhabitants of New-Jersey, were doubtless adopted and continued, in consequence of their application and the original grants.

§ VI. If the instructions to all the succeeding governors are copied from those to lord Cornbury, as it is generally

a. Chap. xviii.

b. Every one of the signers of this, Robert Burrow and William Snelling excepted, had signed the instrument of surrender.

generally understood; such of them as differ from what is common to other plantation governors, were intended to be at the time of the surrender, and which the foregoing sections seem to confirm, it is a farther evidence that they are esteemed, as to the matter of them, rights and privileges belonging to the inhabitants of New-Jersey; and that it has been and is the intention of the crown to continue them as such.

§ VII. There does not appear to have been any design to abridge the privileges before enjoyed, nor could it perhaps be legally effected, by any of the steps taken before or in the surrender; for many of the settlers, though they were actually proprietors, do not seem to have been parties to the surrender, either by themselves or any legally constituted body for them, except it may be supposed, their approving the thing without joining in any one public act to effect it, made them so.

§ VIII. The proprietors who signed the instrument of surrender, considered as to the shares of propriety they held, might be thought of importance enough to be denominated the whole, in barely giving up *the government*; because they had not conveyed that: But it no where appears, that they had any legal power to represent the settlers in general, in matters wherein they had admitted them to share in their property, whether of land or privilege, and as to numbers, were but a small part of the proprietors, and a very small part of the settlers.

§ IX. Every *settler* who complied with the terms of settlement publickly established, as well as *the purchaser*, being entitled to the privileges purchased or settled under; it could not be lawful, that the act of any fellow proprietor to the last, or landlord to the other, should deprive them of what, by the original frame and constitutions of the country, or particular agreements, they had

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had a share in ; and had been the principal inducement of their removing hither to settle.

§ X. That the civil and religious privileges subordinate to, and derived from, but not connected with the powers of government, were the principal inducement of many of the settlers, to leave good habitations and remove hither, none acquainted with the state of things in the original settlement can doubt.

§ XI. If therefore every purchaser and settler had a right to and property in the privileges conveyed to them, and if the ideas of property in British subjects are the same in the colonies as in the mother country ; according to these, nothing but their own act by themselves as individuals, or as some way represented in legislation or otherwise, could deprive them of it ; any thing less would imply an absurdity in the term.

§ XII. That they had a right, will evidently appear by the following short view of the premises ; first, by right of discovery it became vested in the crown ; by the crown it was granted to the duke of York ; by the duke to lord Berkeley and sir G. Carteret, so to the purchasers immediately under them, and thence individually to every freeholder, with the right of the natives purchased and amply confirmed to them ; hence it is, if these conveyances were good, that every freeholder must have a clear incontestable right to his freehold, and consequently to every privilege conveyed with it, as far as these grants will warrant.

§ XIII. In another view the case may be stated thus ; the proprietors said to the people, if you will buy *this* land, you and your posterity forever shall have *these* privileges ; for the first you have our hand and seal ; for the other our publick declarations and concessions solemnly ratified under our hands, recorded in the public offices ; and for a more compleat security, most of
them

them also confirmed by laws in the same manner as the title and right to location of many of the lands are founded; hence a conclusion seems to follow, that the privileges became a part of the purchase, and that the proprietors in the sale of their lands, received a consideration for them; and if so, to their birth-right as British subjects must be superadded the right of purchase.

§ XIV. It may possibly be objected as to West-Jersey, that the proprietors sold or conveyed the government to Dr. Coxe, and he again conveyed it to several of those who were parties to the surrender; supposing this to be true, it concludes nothing in the present case; the question is not as to government, but privilege in other respects; to bring that into the argument it must be proved, first, that the proprietors generally concurred in the sale; secondly, that they had power to sell again that proportion which had before been conveyed to others; thirdly, that the act of surrender in any respect affects it; lastly, that the proprietors of the Massachusetts, Pennsylvania, or any other charter government, may or could by their own act barely, resign so as to annul or destroy what their predecessors or they have conveyed and confirmed to the people; till this is done, the other, for similar reasons, must be supposed impossible: Equally inconclusive must be any argument here as to right of conquest from what happened in 1673; if the treaty of Westminster had not restored things to their original footing, the last grants, and laws in consequence of them, confirming former privileges, and nearly the whole matter relating to West-Jersey, bear date since.

§ XV. To argue, that because there is no express clause in the instrument, by which the government was surrendered, reserving the people's privileges; that therefore they were not reserved; would be just as reasonable

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sonable as to argue, that because the right to the soil is not there particularly reserved, that therefore it was not reserved at all; and yet it remains to the possessors without interruption; and the right to every civil and religious privilege not cancelled in the act of resignation, nor since altered by law, being equally strong as to the forms of authenticity (however overlooked or forgot in occasional practice) must be supposed to retain their original validity.

§ XVI. From what has been said, it seems to be evident, that the proprietors who signed the instrument of surrender, had it not in their power, and therefore could not have intended; nor if they had, can the words or meaning of any thing they appear to have transacted, be legally construed to extinguish any privilege before derived from the royal grants, either relating to liberty of conscience, or matters of privilege in other cases; *their power of the government* only excepted;^c whether this power was ever in due form of law granted or not,^d they had enjoyed it near forty years; rightly
or

c. See the queen's acceptance: And for the advantage of a ready view, as to the meaning of the surrender, let the terms used in the instrument, be here attended to, viz.

'All these the said powers and authorities, to correct, punish, pardon, govern, and rule all or any of her majesty's subjects, or others, who now inhabit, or hereafter shall adventure into, or inhabit within the said provinces of East-Jersey and West Jersey, or either of them; and also to nominate, make, constitute, ordain, and confirm any laws, orders, ordinances and directions, and instruments for those purposes, or any of them; and to nominate, constitute or appoint, revoke, discharge, change, or alter any governor or governors, officer or ministers, which are or shall be appointed, made or used within the said provinces, or either of them; and to make, ordain, and establish any orders, laws, directions, instruments, forms or ceremonies of government and magistracy, for or concerning the government of the provinces aforesaid, or either of them; or on the sea in going and coming to or from thence; or to put in execution, or abrogate, revoke or change such as are already made, for, or concerning such government or any of them, &c.

d. We see the proprietors themselves seem to give into such a doubt in the instrument of surrender.

or even tolerably administered, it must undoubtedly be considered in the light of a privilege to the inhabitants in general; as having their immediate rulers on the spot, ready to see and redress grievances, or prevent the occasions of them; induced to it both by the strong ties of increasing profit to themselves, and the good of others; but if we may compare the latter part of these proprietors administrations with the tranquillity that has ensued for most of the time since; and to this, add the benefits derived from royal attention, and thence be allowed to form a judgment; we shall not perhaps see much cause to regret the change of situation.

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§ XVII. What the original privileges of the inhabitants of New-Jersey were, by the several grants and concessions, and other instruments beforementioned and proprietary laws, will at large appear: some of those not immediately connected with government or land affairs, may be known by the following abstracts.

In East and West-Jersey, before the division.

1. No person swearing or subscribing allegiance to the king, and faithfulness to the proprietors, to be any ways molested, punished, disquieted, or called in question, for any difference in opinion or practice, in matters of religious concernment, who did not disturb the civil peace; but that all such persons should at all times, freely and fully have and enjoy their judgments and

c. An act prescribing the forms of declaration of fidelity, the effect of the abjuration oath, and affirmation, instead of the forms heretofore required, &c. *Confirmed and rendered perpetual by the king in council, at St. James's May 4 1732.* A succession of beneficial paper money acts on loan, *confirmed*, but now expired. Another for acknowledging deeds, and declaring how the estate or right of a feme covert may be conveyed or extinguished. *Confirmed and rendered perpetual by the king in council, at Kensington, August 22, 1746.* Another for ascertaining the officers fees, *ibid. at St. James's, November 23, 1749. &c.*

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and consciences, they behaving themselves peaceably and not using this liberty to licentiousness. *Concessions and agreements of the proprietors Carteret and Berkeley, with the adventurers, Feb. 10, 1664.*

2. By legislative act to levy taxes, and not otherwise, and this as should seem most equal and easy for the inhabitants. *ibid.*

3. By law to provide for the support of government. *ibid.*

4. That cattle ranging or grazing on lands not appropriated to particular persons, shall not be deemed trespassing, but custom not to be plead from hence, nor any, purposely to suffer their cattle to graze on such lands. *ibid.*

In East-Jersey, after the quintipartite division.

5. That the courts of session and assize, should be established by the governor, council, and representatives, and that appeals from thence, should be made to the governor and council, &c. *Declaration of sir George Carteret, dated July 31, 1674.*

6. 'Among the present proprietors, there are several that declare they have no freedom to defend themselves with arms; and others who judge it their duty to defend themselves, their wives and children, with arms: It is therefore agreed and consented to; and they the said proprietors do, by these presents, agree and consent, that they will not in this case, force each other against their respective judgments and consciences; in order whereunto it is resolved, that on the one side, no man that declares, he cannot for conscience sake, bear arms, whether proprietor, or planter, shall be at any time put upon so doing, in his own person; nor yet upon sending any to serve in his stead; and on the other side those who do judge it their duty to bear arms for the publick defence, shall have their liberty to do it in a legal way.' *Fundamental constitutions of East New-Jersey, A. D. 1683.*

7. All

7. All persons acknowledging one almighty and eternal God, and holding themselves obliged in conscience to live quietly in civil society; shall no way be molested, or prejudged for their religious persuasions and exercise in matters of faith and worship, nor be compelled to frequent and maintain any place of worship or ministry whatsoever; but none to be admitted to places of publick trust, who do not profess faith in Christ Jesus, and will not solemnly declare, that he is not obliged in conscience, to endeavour alteration in the government, nor does not seek the turning out of any in it, or their ruin or prejudice in person or estate, because they are in his opinion hereticks, or differ in judgment from him; but none under the notion of liberty, by this article, to avow atheism, irreligiousness, nor to practice prophaneness, murder, or any kind of violence; or indulge themselves in stage-plays, masks, revells, or such like abuses. *ibid.*

8. No person to be imprisoned or deprived of his freehold, free custom or liberty, to be out-lawed, exiled or any other way destroyed, nor be condemned, but by lawful judgment of his peers; justice or right to be neither bought nor sold, deferred or delayed to any person whatsoever; all trials to be by twelve men, and as near as may be, peers and equals, and of the neighbourhood, and without just exception; twenty four to be returned by the sheriff as a grand inquest, twelve at least to agree in finding the complaint to be true; reasonable challenges to be admitted against the twelve or peers who have the final judgment, or any of them: In all courts, persons of all persuasions to appear in their own way, and according to their own manner, and personally plead their own causes, or if unable, by their

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their friends; and no person allowed to take money for pleading or advice in such cases.*f. ibid.*

9. All marriages not forbidden in the law of God to be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publickly intimated in such places and manner as is agreeable to men's different persuasions in religion, and afterwards solemnized before creditable witnesses, and duly registered. *Ibid.*

10. All witnesses called to testify to any matter or thing in any court, or before any lawful authority, to deliver their evidence by solemnly promising to speak the truth, the whole truth and nothing but the truth; and the punishment of falshood to be the same as in cases of perjury; the like in cases of forgery; and both criminals to be stigmatized. *Ibid.*

11. Forfeited estates, except for treason or capital crimes, to be redeemed by the nearest of kin, within two months, by paying to the publick treasury, not above one hundred pounds, nor under five pounds sterling. *Ibid.*

In West-Jersey.

12. No cattle straying, ranging or grazing on any unlocated grounds, to subject their owners to damages, but custom of commons not to be pretended to, nor any person hindered from legally taking up any such lands. *Concessions and Agreements, chap. viii.*

13. All taxes to be levied by legislative act. *Ibid. chap. xi.*

14. As no man or number of men upon earth, have power or authority to rule over men's consciences in religious matters; no person or persons whatsoever, at any time or times hereafter, shall be any ways, upon any

f. This last afterwards altered by an instruction to Basse, while he exercised the office of governor in East Jersey, and fixed to be, that none should practice without license from the governor.

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any pretence whatsoever, called in question, or in the least punished or hurt in person, estate or privilege, for the sake of his opinion, judgment, faith, or worship towards God in matter of religion. *Ibid.* chap. xvi.

15. No person to be deprived of life, limb, property, or any ways hurt in his or their privileges, freedoms or franchises, upon any account whatsoever, without a due trial and judgment passed by twelve good and lawful men of his neighbourhood first had; persons arraigned allowed to except against any of the neighbourhood, without rendering a reason, not exceeding thirty-five, and with valid reasons against every person nominated for that service. *ibid.* chap. xvii.

16. In all causes, civil and criminal, proof to be made by the solemn and plain averment of at least two honest and reputable persons; upon false evidence, the party in civil causes liable to the penalty due to the person or persons he or they bear witness against; in criminal causes to be severely fined, and for the future disabled from being admitted an evidence or to any public employment. *ibid.* chap. xx.

17. Persons preferring indictments or informations against others for personal injuries, or matters criminal (treason, murder and felony excepted;) to be masters of their own process, and have power to remit or forgive as well before as after judgment and sentence. *ibid.* chap. xxi.

18. All causes, civil and criminal, to be decided by the verdict of twelve men of the neighbourhood, to be summoned by the sheriff, and no person compelled to fee an attorney; but to have free liberty to plead his own cause; and that no person imprisoned upon any account whatsoever, should be obliged to pay any prison fees. *ibid.* chap. xxii.

19. All jurisdictions and their powers to be established by legislative act.

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20. In courts of justice for trial of causes civil or criminal, all inhabitants to come freely into, and attend and hear any such trials, ‘that justice may not be done ‘in a corner, nor in any covert manner; being intended ‘and resolved by the help of the Lord, and by these ‘our concessions and fundamentals, that all and every ‘person or persons inhabiting the said province, shall, ‘as far as in us lies, be free from oppression and slavery, ‘*ibid.* chap. xxiii.

21. The proprietors and freeholders to have liberty to give their representatives instructions, and to represent their grievances; and any of the electors upon complaint made of failure of trust or breach of covenant, to remonstrate the same to the Assembly.

22. In every meeting of general Assembly, liberty of speech to be allowed; and none to be interrupted when speaking: All questions to be stated with deliberation, and liberty for amendment, with power of entering reasons of protest; and to have the member’s yeas and no’s registered: The doors of the house to be set open; and liberty given to hear the debates: The assembly to have power of enacting laws, provided they be agreeable to the fundamental laws of England, and not repugnant to the concessions. *Concessions aforesaid.* See also the first acts of Assembly of West-Jersey.



CHAP. XV.

Lord Cornbury convenes the first general assembly after the surrender: His speech, their address, and other proceedings: Queen Anne's proclamation for ascertaining the rates of coin: Cornbury dissolves the Assembly, and meets a new one to his mind: Their proceedings and dissolution: A summary of the establishment and practice of the council of proprietors of West-Jersey: Another assembly called; who remonstrate the grievances of the province.

THE distinction of the two Provinces East and West-Jersey, being henceforth as to all matters of government laid aside, and both united in one under the name of Nova-Cæsaria, or New-Jersey; we now enter upon a more uniform method of proceeding.

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Contrary to the expectation of those concerned in the surrender, we soon find them jointly struggling for the preservation of their privileges against the encroachments of a governor, who, if his abilities had been equal to his birth and interest, must be allowed to have been as formidable an antagonist in that capacity as any that have come to the colonies; besides being the son of a family that had merited highly in the revolution, he was first cousin to queen Anne: With such an interest and a disposition to have studied harmony and concord, instead of listening to the votaries of faction, and meanly trumpeting their animosities, he had a fair opportunity of singular service in restoring the public quiet, and laying a foundation of prosperity to the province; but that, afterwards became the business of another.

Lord Cornbury arrived in New-Jersey in the month called August, 1703: Having published his commission

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Lord
Cornbury
convenes
the assembly.

sion at Amboy and Burlington, he returned to his government of New-York; but soon came back and convened the general assembly to meet him at Perth-Amboy, the tenth of November.^g They chose Thomas Gardiner,^h speaker, he was presented and accepted, and then, conformable to the practice of parliament, made a demand of the particular privileges of assemblies, as follows:

‘That the members with their servants, may be free
‘from arrests or molestation during the sessions.

‘That they have free access to your excellency’s
‘person, when occasion requires.

‘That they may have liberty of speech, and a favourable construction of all debates that may arise among
‘them.

‘That if any misunderstanding shall happen to arise
‘between the council and this house, that in such a
‘case a committee of the council may be appointed to
‘confer with a committee of this house for adjusting
‘and reconciling all such differences. And,

‘That these our requests may be approved of by
‘your excellency and council, and entered in the
‘council books.’

The governor, in answer told them, he granted the three first as the just and undoubted right of the house; but

^g. The names of the first members of council after the surrender are in lord Cornbury’s instructions. The first representatives were,

For the eastern Division.

Obadiah Bown, Jedediah Allen, Michael Howden, Peter Van Este, John Reid, John Harrison, Cornelius Tunison, Richard Harshorne, col. Richard Townly,

For the western Division.

Thomas Lambert, William Biddle, William Stevenson, Restore Lippincott, John Kay, John Hugg, jun. Joseph Cooper, William Hall, John Mason, John Smith.

For the town of Burlington. Peter Fretwell, Thomas Gardiner.

City of Perth-Amboy. Thomas Gordon, Miles Forster.

^h Son of him whose death is mentioned before

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but rejected the fourth as an innovation, and accordingly ordered an entry of the same in the council books ; this done, he made a speech to the council and general assembly.

‘Gentlemen,

The proprietors of East and West New-Jersey, **Speech.**
 ‘having upon very mature consideration, thought fit
 ‘to surrender to her most sacred majesty the great queen
 ‘of England, my mistress, all the powers of govern-
 ‘ment which they supposed were vested in them ; the
 ‘queen has been pleased to unite these formerly two
 ‘provinces now into one, under the name of Nova-
 ‘Caesaria or New-Jersey ; her majesty has been pleased
 ‘graciously to honour me with the trust of this
 ‘government, and has commanded me to assure you
 ‘of her protection upon all occasions ; and you may
 ‘assure yourselves, that under her auspicious reign,
 ‘you will enjoy all the liberty, happiness and satisfac-
 ‘tion, that good subjects can wish for ; under a most
 ‘gracious queen, and the best laws in the universe, I
 ‘mean the laws of England, which all the world
 ‘would be glad to partake of, and none are so happy
 ‘to enjoy, but those whose propitious stars have placed
 ‘under the most happily constituted monarchy : I will
 ‘not question, but that you on your parts, will do all
 ‘that can be expected from faithful subjects, both for
 ‘the satisfaction of the queen, the good and safety of
 ‘your country ; which must be attended with general
 ‘satisfaction to all people.

‘In order to attain these good ends, I must earnestly
 ‘recommend it both to you, gentlemen of her majesty’s
 ‘council, and you gentlemen of the assembly, to
 ‘apply yourselves heartily and seriously to the recon-
 ‘ciling the unhappy differences which have happened
 ‘in this province ; that as the queen has united the two
 ‘provinces, so the minds of all the people may be
 ‘firmly united in the service of the queen, and good
 ‘of the country ; which are all one, and cannot be
 ‘separated without danger of destroying both.

‘Gentlemen

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‘Gentlemen, you are now met in general assembly, on purpose to prepare such bills to be passed into laws, to be transmitted into England for her majesty’s approbation, as may best conduce to the settling of this province upon a lasting foundation of happiness and quiet, only I must recommend it to you, that the bills you shall think fit to offer, may not be repugnant to the laws of England, but as much as may be, agreeable to them.

‘I must recommend to you, gentlemen, in the wording of your Bills, to observe the stile of enacting by the governor, council and assembly; and likewise, that each different matter may be enacted by a different law, to avoid confusion.

‘In all laws whereby you shall think fit to grant money, or to impose any fines or penalties, express mention may be made, that the same is granted or reserved unto her majesty, her heirs or successors, for the publick use of this province, and the support of the government thereof.

‘Gentlemen, I am farther commanded by the queen, to recommend it to you, to raise and settle a revenue for defraying the necessary charges of the government of this province, in order to support the dignity of it.

‘I am likewise commanded to recommend to your care, the preparing one or more bill or bills whereby the right and property of the general proprietors to the soil of this province may be confirmed to them, according to their respective titles, together with all quit rents and all other privileges as are expressed in the conveyances made by the duke of York; except only the right of government, which remains in the queen.

‘Now, Gentlemen, I have acquainted you with some of those things which the king is desirous to have done: I shall likewise acquaint you, that her majesty has been graciously pleased to grant to all her subjects in this province, (except papists) liberty of conscience. I must further inform you, that the queen has commanded me not to receive any present from
‘the

‘the general assembly of this province; and that no person who may succeed me in this government, may claim any present for the future, I am commanded to take care, that her majesty’s orders may be entered at large in the council books, and the books of the general assembly.

A. D.
1703.

‘Now, gentlemen, I have no more to offer to you at this time, only I recommend to you dispatch in the matter before you, and unanimity in your consultations, as that which will always best and most effectually conduce to the good of the whole.’

The governor’s speech being read in the house, produced the following address, N. C. D.

Address.

‘May it please your excellency,

‘I am commanded by this house, to return your excellency our hearty thanks for your excellency’s many kind expressions to them, contained in your excellency’s speech; and it is our great satisfaction, that her majesty has been pleased to constitute your excellency our governor.

‘We are well assured the proprietors, by their surrender of their rights to the government of this province, have put us in circumstances much better than we were in under their administration, they not being able to protect us from the villainies of wicked men; and having an entire dependence on her majesty, that she will protect us in the full enjoyment of our rights, liberties and properties, do thank your excellency for that assurance you are pleased to give us of it, and think our stars have been very propitious in placing us under the government and direction of the greatest of queens, and the best of laws: And we do entreat your excellency to believe, that our best endeavours shall not be wanting to accomplish those things which shall be for the satisfaction of the queen, the general good of our country, and (if possible) to the universal satisfaction of all people: With our prayers to the God of Heaven, we shall join our utmost endeavours, to unite our unhappy differences; and
‘hope

A. D.
1703.

‘hope with the assistance of your excellency and council
‘it will not be impossible to accomplish that blessed
‘work. We shall follow the directions given in your
‘excellency’s speech, with what dispatch the nature of
‘the things require; and hope, that all our consulta-
‘tions may conduce to the best and greatest ends.

‘Memorandum, that all the members of this house
‘do agree to the subject matter above written, tho’
‘several of them dissent from some of the expressions
‘therein contained.’

Law re-
gulating
Indian
purchases.

This address presented, the assembly, after regulat-
ing elections complained of, prepared several bills;
but one only received the governor’s assent: This related
to the purchasing of lands of the Indians, was pre-
pared pursuant to an article in Cornbury’s instructions,
and prohibits purchases or gifts of lands being made
or received from the Indians without license of the
proprieters, after the 1st December, 1703, under
penalty of forfeiting forty shillings per acre; it also
retrospects and makes void all Indian bargains, gifts,
leases or mortgages, without an English title, unless
covered with a propriety right in six months thereafter.
This law is yet in force.

The governor put an end to this session, December
13, by observing to the assembly, that the season being
far advanced, it was absolutely necessary to conclude
business: That he wished the several bills before him-
self and them could have been dispatched; but that
the matters contained in them, were of *so great*
moment, the difficulties *so many*, and the time *so*
short, that it was impossible to finish: That being now
acquainted with the nature of those difficulties, they
should come prepared in the spring to remove them, and
provide such good laws as might effectually ascertain the
rights of the several proprietors, and fully secure every
man’s property. These being the points which would
most conduce to the peace and welfare of the colony,
recommended

recommended the council and assembly to employ their serious thoughts, that the most effectual means to attain those desirable ends might be discovered, and to point out other useful laws, and concludes with observing, that they would ever find him ready to consent to all such things as should be for the good of the whole.

A. D.
1704.

In 1704, great inconveniencies were found, by the same coin bearing different values in the provinces on the continent; to remedy this by one general medium, queen Anne published her proclamation for ascertaining the value of foreign coin in America; which seems to claim a place here.

‘ By the QUEEN.

‘ A proclamation for settling and ascertaining the current rates of foreign coins in her majesty’s colonies and plantations in America. Proclamation.

‘ WE having had under our consideration the different rates at which the same species of foreign coins do pass in our several colonies and plantations in America, and the inconveniencies thereof, by the indirect practice of drawing the money from one plantation to another, to the great prejudice of the trade of our subjects; and being sensible, that the same cannot be otherwise remedied, than by reducing of all foreign coins to the same current rate within all our dominions in America; and the principal officers of our mint having laid before us a table of the value of the several foreign coins which usually pass in payments in our said plantations, according to the weight and the assays made of them in our mint, thereby shewing the just proportion which each coin ought to have to the other; which is as followeth, viz. Sevill pieces of eight, old plate, seventeen penny weight, twelve grains, four shillings and six pence; Sevill pieces of eight, new plate, fourteen penny-weight, three shillings and seven pence one farthing; Mexico pieces of eight, seventeen penny-weight twelve grains, four shillings and six pence; pillar pieces of eight, seventeen penny-weight twelve grains, four shillings and six

A. D.
1704.

‘six pence three farthings; Peru pieces of eight, old
 ‘plate, seventeen penny-weight twelve grains, four
 ‘shillings and five pence or thereabouts; cross dollars,
 ‘eighteen penny-weight, four shillings and four pence
 ‘three farthings; ducatoons of Flanders, twenty pen-
 ‘ny-weight and twenty-one grains, five shillings and
 ‘six pence; eau’s of France or silver Lewis, seventeen
 ‘penny-weight twelve grains, four shillings and six
 ‘pence; crusadoes of Portugal, eleven penny-weight
 ‘four grains, two shillings and ten pence one farthing;
 ‘the silver pieces of Holland, twelve penny-weight
 ‘and seven grains, five shilling and two pence one
 ‘farthing; old rix dollars of the empire, eighteen
 ‘penny-weight and ten grains, four shillings and six
 ‘pence; the half, quarters and other parts in proportion
 ‘to their denominations; and light pieces in proportion
 ‘to their weight: We have therefore thought fit, for
 ‘remedying the said inconveniencies, by the advice of
 ‘our council, to publish and declare, that from and
 ‘after the first day of January next ensuing the date
 ‘hereof, no Sevill, pillar, or Mexico pieces of eight,
 ‘though of the full weight of seventeen penny-weight
 ‘and a half, shall be accounted, received, taken or
 ‘paid, within any of our said colonies or plantations,
 ‘as well those under proprietors and charters, as under
 ‘our immediate commission and government, at above
 ‘the rate of six shillings per piece, current money,
 ‘for the discharge of any contracts or bargains to be
 ‘made after the said first day of January next; the
 ‘halves, quarters, and other lesser pieces of the same
 ‘coins, to be accounted, received, taken, or paid in
 ‘the same proportion; and the currency of all pieces
 ‘of eight of Peru, dollars and other foreign species
 ‘of silver coins, whether of the same or baser alloy,
 ‘shall after the said first day of January next, stand
 ‘regulated, according to their weight and fineness,
 ‘according and in proportion to the rate before limited
 ‘and set for the pieces of Sevill, pillar and Mexico; so
 ‘that no foreign silver coin of any sort, be permitted
 ‘to exceed the same proportion upon any account what-
 ‘soever.

‘soever. And we do hereby require and command all
 ‘our governors, lieutenant governors, magistrates,
 ‘officers, and all other our good subjects, within our
 ‘said colonies and plantations, to observe and obey our
 ‘directions herein, as they tender our displeasure:
 ‘Given at our castle at Windsor, the eighteenth day
 ‘of June, 1704, in the third year of our reign.’

A. D.
 1704.

Cornbury met the assembly at Burlington the 7th of
 September, and recommended the preparing a bill to
 ascertain the rights of the general proprietors to the
 soil of the province, to settle a fund for support of
 government; and a French privateer having committed
 depredations on the settlers about Sandy Hook, he
 thence took occasion to press for a law to establish a
 militia, and fix a watch house on the Navesink hills.
 The house took the matters into consideration: It does
 not appear but they intended to make such provision
 on those occasions, as suited the circumstances of the
 province, yet their proceedings on the whole, were
 not to his mind; on the 28th therefore, he abruptly
 sent for and dissolved them, and issued writs for a new
 election, to meet at Burlington the 13th of November
 following: This election was industriously managed,
 and a majority of members procured to his mind; they
 met at the time, and being divided in the choice of a
 speaker, Peter Fretwell and John Bowne, candidates,
 and the votes equal, they called upon their clerk,
 (William Anderson,) to give the casting vote, which
 he did for Fretwell, who was accordingly placed in the
 chair; then receiving the speech, they by an address
 complimented Cornbury, with going through the affairs
 of

Assembly
 meet.

Dissolved.

i. The members of this assembly were,

For the Eastern division.

John Bown, Richard Hartsborne, Richard Salter, Obadiah Bown,
 Anthony Woodward, John Tunison, John Lawrence, Jasper Crane,
 Peter Vaneste, Thomas Gordon, John Barclay, John Royse.

For

A. D.
1704.

of government 'with great diligence and exquisite management, to the admiration of his friends, and 'envy of his enemies;' and passed a bill to raise two thousand pounds^k per annum, by tax, for support of government, to continue two years.

Several other laws were passed this session, and amongst them one for establishing a militia, by the unnecessary severity of which, those conscientiously scrupulous of bearing arms in many parts were great sufferers.

1705.

On the 12th of December, the governor adjourn'd them till next year, with more encomiums on their conduct, than many of them got from their constituents on their return home; during this whole session, they had tamely suffered the arbitrary practices of Cornbury, to deprive them of three of their most substantial members, Thomas Gardiner, Thomas Lambert and Joshua Wright, under pretence of their not owning land enough to qualify them to sit there, tho' they were known to be men of sufficient estates; and the same assembly at their next meeting at Amboy, in 1705, themselves declare, 'the members had heretofore satisfied the house of their being duly qualified 'to sit in the same;' and they were then admitted, when the purposes of their exclusion were answered: This sitting was in October and November, but produced nothing of much consequence; the session which followed at the same place in October, 1706, likewise proved unsuccessful; and now Cornbury again dissolv'd the assembly.

In

For the Western division.

Restore Lippincott, John Hugg, John Kay, John Smith, William Hall, John Mason, Thomas Bryan, Robert Wheeler, Peter Fretwell, Thomas Lambert, Thomas Gardiner, Joshua Wright.

^k The lieutenant governor Ingoldsby received £. 600 out of this sum.

In the 11th month this year, the council of proprietors for the western division, met according to their usual practice; present, William Biddle, president, Samuel Jennings, George Deacon, John Wills, William Hall, Christopher Wetherill and John Kay; to this council Cornbury sent an order to resolve him in certain points proposed to them, which for some reasons, were at present delayed; but in the spring next year, he sent for the council of proprietors to attend him in council at Burlington, and there proposed sundry questions on the same subject, demanding a categorical answer to each; they soon resolved him by sending a summary of their constitution and establishment as follows;

A. D.
1706.

Dissolved.

1707.

‘The answer delivered to the governors three questions,
‘delivered to him by the council of proprietors.

‘WHEREAS our governor the lord Cornbury, was pleased at our attending on him in council, the thirtieth day of this instant May, to require answers to three questions, viz. who was the council of proprietors the last year; and who are chosen for this year 1707, and to have the names of them? the second is, what are the powers the said council pretend to have? the third, by whom constituted?

Summary
of West-
Jersey
council of
proprietors.

‘And in obedience thereto, we being part of the trustees, or agents commonly called the council of proprietors, are willing to give all the satisfaction we are able, in humble answer to his lordships requirings, viz.

‘First, the persons chosen for the last year to serve the proprietors as agents or trustees, were William Biddle,

2. It was delivered to Cornbury in council, the 30th, the proprietors then present, were, Samuel Jennings, William Hall, Thomas Gardiner, John Wills, John Kay, Christopher Wetherill and Lewis Morris; with the answer they delivered to the governor and council, two papers containing the names of several of the proprietors, declaring their approbation of the council, and one Indian deed.

A. D.
1707.

‘Biddle, Samuel Jenings, George Deacon, John Wills,
‘and Christopher Wetherill, for the county of Bur-
‘lington; and John Reading, Francis Collings, John
‘Kay and William Hall, of Salem, for the county of
‘Gloucester, and below; and for this present year
‘1707, William Biddle, Samuel Jenings, Lewis
‘Morris, George Deacon, John Wills, John Kay,
‘John Reading, Thomas Gardiner and William Hall
‘of Salem.

‘2. In the year 1677, the first ship that came here
‘from England, which brought the first inhabitants
‘that came to settle in these remote parts, by virtue of
‘Byllinge’s right, before she sail’d the proprietors being
‘met together at London, thought it advisable to settle
‘some certain method how the purchasers of land from
‘Byllinge, &c. should have their just rights laid forth
‘to them, concluded on a number of persons, viz.
‘Joseph Helmsly, William Emly, John Penford,
‘Benjamin Scott, Daniel Wills, Thomas Olive and
‘Robert Stacy, as should be called commissioners, and
‘they were first impowered to purchase what land they
‘could from the Indians, and then to inspect all rights,
‘as any lands were claimed, and when satisfied therein,
‘to order the laying it out accordingly; which com-
‘missioners when arrived here, did forthwith make
‘several purchases of land, and acted as aforesaid, for
‘some time, till some of them being not longer able
‘to struggle with such hunger, and many other great
‘hardships as were then met withal, return’d again for
‘England; so for preventing confusion among the
‘people, the assembly took the trouble of it on them;
‘this continued in practice till about the year 1687;
‘then the assembly having much other business, and
‘being not able to spend their time and money abroad,
‘would not longer be troubled with that business, as
‘was wholly belonging to the proprietors, and so threw
‘it out of the house, and told the proprietors they
‘might choose a convenient number of persons of
‘themselves, to transact their own business: Accord-
‘ingly the 14th day of February, the same year, the
‘proprietors

‘proprietors met at Burlington, and then and there
 ‘chose and elected eleven persons of themselves, to act
 ‘for the whole, for the next ensuing year; but then
 ‘finding that so many and at such distances being hard
 ‘to be got together, they next year chose but nine,
 ‘and accordingly signed instruments for the confirm-
 ‘ing that constitution, of which his lordship has a
 ‘copy; and the same methods have been every year
 ‘since practised to this present year 1707; and in all
 ‘this time no inconveniencies hath arisen from it, but
 ‘on the contrary, much ease and advantage to the pro-
 ‘prietors; as by a further declaration of many other
 ‘of the proprietors under their hands, is ready to be
 ‘proved.

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 1707.

‘Now as to the powers of those as are now and
 ‘have all along been, they are the same with the
 ‘first that came over from England in the year 1677;
 ‘that is to say, to purchase land of the Indians, with
 ‘the consent and advice of the said proprietors as
 ‘chose them, and to inspect the rights of every man
 ‘as shall claim any land, so that the same may be sur-
 ‘veyed to him or them; and for the more easy and
 ‘speedy settling of the province, commissioners have
 ‘been appointed in each county, to inspect all rights as
 ‘aforesaid; the said agents, trustees or council, also to
 ‘choose a recorder, a surveyor general and rangers in
 ‘each county, to range for the benefit of the said
 ‘general proprietors, and to appoint persons to prevent
 ‘the wasting and destroying of the proprietors timber,
 ‘upon their unsurveyed lands, &c.

‘The proprietors residing in England, have had
 ‘knowledge of a committee of the agents or trus-
 ‘tees of the proprietors here, who were to act and
 ‘negotiate their affairs by their agents, from time
 ‘to time, acting in conjunction with them, as Adlord
 ‘Boud, John Tatham, agents to doctor Coxe; and
 ‘when Jeremiah Bass was agent, he acted with them
 ‘also; after him, when our late governor Hamilton
 ‘was made agent, he acted as one of the said agents,
 ‘trustees or council for several years, and was president
 ‘of

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1707.

‘ of the same ; and now Lewis Morris as agent to the society, is one of the said trustees or council ; and not only the agents of the agents of the proprietors at home, but any proprietor now hath, and have had liberty, to come and meet with the said agents, trustees or council, when he or they pleased.

‘ Lastly, as to the constitution of the said agents, trustees or committee, and by whom constituted ; it is on certain days in the county of Burlington and Gloucester, yearly and every year, they are chosen by the proprietors : The above is as good an account as we that are present are able to give, in answer to what was required of us by his lordship, and pray it may find acceptance as such ; but if any further thing may seem needful to be answered, we humbly pray it may for this time be suspended, till the whole can be got together.’

The writs for a new assembly were returnable to Burlington, *the 5th of April*, 1707. In this Assembly it soon appeared, Cornbury had not the success in elections as in the last choice ; his conduct was arbitrary, and the people dissatisfied ; the assembly chose Samuel Jenings, speaker,^m received the governor’s speech, and soon after resolved into a committee of the whole house to consider grievances ; this committee continued sitting from day to day, till at length they agreed upon fifteen resolves, and by petition to the queen laid them before her, on the 8th of the month called May, they also remonstrated their grievances to the governor, as follows :

May

m. The members now were,

For the Eastern division.

John Harrison, Lewis Morris, Elisha Parker, Thomas Farmer, Jasper Crane, Daniel Price, John Bown, William Lawrence, William Morris. Enoch Mackelson, John Royce, Thomas Gordon.

For the Western division.

Peter Canson, William Hall, Richard Johnson, John Thomson, Bartholomew Wyatt, John Wills, Thomas Bryan, Samuel Jenings, Thomas Gardiner, John Kay, Philip Rawle.

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1707.

‘ May it please the governor,

‘ We, her majesty’s loyal subjects, the representatives
‘ of the province of New-Jersey, are heartily sorry,
‘ that instead of raising such a revenue as is by the
‘ governor (as we suppose by the queen’s directions)
‘ required of us, we are obliged to lay before him the
‘ unhappy circumstances of this province: it is a task
‘ we undertake not of choice, but necessity, and have
‘ therefore reason to hope, that what we say may meet
‘ with a more favourable reception.

‘ We pray the governor to be assured, it is our mis-
‘ fortune extorts this procedure from us, and that we
‘ should betray the trust reposed in us by our country,
‘ did we not endeavour to obtain relief.

‘ The governor encourages us to hope he will not be
‘ deaf to our entreaties, nor by his denial render our
‘ attempts for the best ends fruitless.

‘ We may not perchance rightly apprehend all the
‘ causes of our sufferings, but have reason to think
‘ some of them are very much owing to the governor’s
‘ long absence from this province, which renders it
‘ very difficult to apply to him in some cases which
‘ may need a present help.

‘ It were to be wished the affairs of New-York
‘ would admit the governor oftener to attend those of
‘ New-Jersey, he had not then been unacquainted with
‘ our grievances; and we are inclined to believe they
‘ would not have grown to so great a number.

‘ It is therefore, in the first place, humbly presented
‘ to the governor’s consideration, that some persons
‘ under sentence of death for murder, have not only
‘ remained till this time unexecuted, (they being con-
‘ demned not long after lord Cornbury’s accession to
‘ this government) but often have been suffered to go
‘ at large; it’s possible the governor has not been
‘ informed, that one of those persons is a woman who
‘ murdered her own child; another of them a woman
‘ who poisoned her husband: The keeping of them so
‘ long has been a very great charge, and how far it’s a
‘ reflection on the publick administration, to suffer such

T

‘ wretches

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1707.

‘wretches to pass with impunity, we dare not say; but
‘sure the blood of those innocents cries aloud for ven-
‘geance, and just Heaven will not fail to pour it down
‘upon our already miserable country, if they are not
‘made to suffer according to their demerits.

‘Secondly, we think it a great hardship, that persons
‘accused for any crime, should be obliged to pay court
‘fees, notwithstanding the jury have not found the
‘bill against them: they are men generally chose out
‘of the neighbourhood, and should be the most sub-
‘stantial inhabitants, who cannot well be supposed to
‘be ignorant of the character of the person accused,
‘nor want as good information as may be had; when
‘therefore they do not find the bill, it is very reasonable
‘to suppose the accused person innocent, and conse-
‘quently no fees due from him; we pray therefore,
‘that the governor will give his assent to an act of
‘assembly to prevent the like for the future; otherwise
‘no person can be safe from the practices of designing
‘men, or the wicked effects of a vindictive temper.

‘Thirdly, the only office for probate of wills being
‘in Burlington, it must be very expensive and incon-
‘venient for persons who live remote to attend it, espe-
‘cially for the whole Eastern division; we therefore
‘pray the governor will assent to an act to settle such
‘an office in each county, or at least in each division of
‘this province, and that the officers be men of good
‘estates, and known integrity in the said county or divi-
‘sion.

‘Fourthly, that the secretary’s office is not also kept
‘at Amboy, but that all the Eastern division are forced
‘to come to Burlington, that have any business at said
‘office, is a grievance which we hope the governor
‘will take care to redress; it seeming inconsistent with
‘the present constitution of government established by
‘the queen, which doth not admit one of the divisions
‘of this province to enjoy more privileges than the
‘other; we therefore entreat the governor not to take
‘it amiss, that we desire his assent to an act to be pass’d
‘to oblige the secretary to keep the office at both places.

Fifthly,

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1707.

‘Fifthly, the granting of patents to cart goods on
 ‘the road from Burlington to Amboy, for a certain
 ‘number of years, and prohibiting others, we think
 ‘to be a grievance that is contrary to the statute 21 Jac.
 ‘1. c. 3. against monopolies; and being so, we doubt
 ‘not, will easily induce the governor to assent to an act
 ‘to prevent all such grants for the future; they being
 ‘destructive to that freedom which trade and commerce
 ‘ought to have.

‘Sixthly, the establishing fees by any other power
 ‘or authority than by the governor, council and repre-
 ‘sentatives met in general assembly, we take to be a
 ‘great grievance, directly repugnant to Magna
 ‘Charta, and contrary to the queen’s express instruc-
 ‘tions in the governor’s instructions, which says,
 ‘“You are to take care, that no man’s life, member,
 ‘“freehold or goods, be taken away or harmed in
 ‘“our province, under your government, otherwise
 ‘“than by established and known laws, not repugnant to,
 ‘“but as near as much as may be, agreeable to the laws
 ‘“of England;” we therefore pray, that the governor
 ‘will assent to an act to be pass’d to settle fees; without
 ‘which we think no more can be legally demanded,
 ‘than the persons concerned by agreement oblige
 ‘themselves to pay.

Seventhly, the governor putting the former publick
 ‘records of the Eastern division of this province into the
 ‘hands of Peter Sonmans, pretended agent to the propri-
 ‘etors, one that does not reside in the province, nor has
 ‘not given security for the well and true keeping of them,
 ‘as is by the queen directed, and kept them so that her
 ‘majesty’s subjects cannot have recourse to them; and
 ‘their being carried out of the division, is a great and
 ‘criying grievance: They are the only evidences that
 ‘one half of this province has to prove the titles to their
 ‘estates, and this house is humbly of opinion, they
 ‘ought to be so kept, that persons may have recourse to
 ‘them; and in the hands of such of whose fidelity there
 ‘is no reason to doubt; this being a thing so reasonable,
 ‘encourages us to request the governor to assent to an
 ‘act

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‘act to be passed to put them in proper hands for the
‘future, that the country may not be under the same
‘disappointments they now are.

‘These, governor, are some of the grievances this
‘province complains of, and which their representa-
‘tives desire may be redressed; but there are others of a
‘higher nature, and attended with worse consequences;
‘they cannot be just to the governor, themselves, or
‘their country, should they conceal them: We did
‘expect when the government of the Jerseys was surren-
‘dered, to feel the benign influences of the queen’s mild
‘government, under her more immediate administra-
‘tion, and to be protected in the full enjoyment
‘of our liberties and properties, the last of which we
‘thought ourselves something more secure in than some
‘of the neighbouring plantations; and had an entire
‘dependance that her majesty’s royal bounty and good-
‘ness would never be wanting to make us easy and
‘happy, even beyond our wishes: It is our misfortune,
‘that we must say, the success has not answered the
‘expectation, and the queen’s subjects here have felt
‘the reverse of what they had most reason to hope; that
‘greatest and best of princes is, without all perad-
‘venture, ignorant of our pressures, or we had long
‘since had relief; she is too good to continue even the
‘deserved sufferings of the miserable, and has more of
‘Heaven in her than to hear the cry of those that groan
‘under oppression, and the unkind effects of mistaken
‘power, to whom we owe our miseries; and what they
‘are, the sequel shews.

‘In the first place, the governor has prohibited the
‘proprieters agents, commonly called the council of
‘proprieters, from granting any warrants for taking
‘up of land in the Western division of this province:
‘We cannot see by what law or reason any man’s pro-
‘perty can be disposed of by the governor without his
‘consent: The proprietors when they surrendered their
‘government, did not part with their soil, and may
‘manage it as they think fit, and are not to take direc-
‘tions from any person whatsoever, how and when to
‘do

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1707.

'do it; if any persons concerned be grieved, the laws
 'are open, by which disputes in property are decided;
 'and he doubtless will not be left remediless. We are
 'very sorry the governor gives us occasion to say, it is
 'a great encroachment on the proprietors liberties; but
 'we are not surpris'd at it, when a greater encroach-
 'ment on our liberties lead the way to it, and that was
 'the governor's refusing to swear or attest three mem-
 'bers of the last assembly upon the groundless sugges-
 'tions of Thomas Revel and Daniel Leeds, two mem-
 'bers of the queen's council, by which they were kept
 'out of the assembly: We are too sensibly touch'd with
 'that procedure, not to know what must be the una-
 'voidable consequences of a governor's refusing to swear
 'which of the members of an assembly he thinks fit;
 'but to take upon himself the power of judging of
 'the qualifications of assembly-men, and to keep them
 'out of the house (as the governor did the aforesaid
 'three members nigh eleven months till he was satis-
 'fied in that point) after the house had declared them
 'qualified; is so great a violation of the liberties of
 'the people, so great a breach of the privileges of the
 'house of representatives, so much assuming to him-
 'self a negative voice to the freeholders election of
 'their representatives, that the governor is entreated to
 'pardon us, if this is a different treatment from what
 'we expected: It is not the effects of passionate heats,
 'the transports of vindictive tempers; but the
 'serious resentments of a house of representatives, for
 'a notorious violation of the liberties of the people, to
 'whom they could not be just, nor answer the trust
 'reposed in them, should they decline letting the
 'governor know they are extremely dissatisfied at so
 'unkind a treatment, especially when its causes and
 'effects conspire to render it so disagreeable.

'It is notoriously known, that many considerable
 'sums of money have been raised to procure the disso-
 'lution of the first assembly, to get clear of the pro-
 'prietors quit-rents, and to obtain such officers as the
 'contributors should approve of; this house has great
 'reason

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‘reason to believe, the money so gathered was given to
‘lord Cornbury, and did induce him to dissolve the
‘then assembly, and by his own authority keep three
‘members out of the next assembly, and put so many
‘mean and mercenary men into office; by which cor-
‘rupt practice, men of the best estates are severely
‘harrassed, her majesty’s good subjects in this province
‘so impoverished, that they are not able to give that
‘support to her majesty’s government as is desired,
‘or as they would be otherwise inclined to do; and we
‘cannot but be very uneasy when we find by these new
‘methods of government, our liberties and properties
‘so much shaken, that no man can say he is master of
‘either, but holds them as tenant by courtesy and at
‘will, and may be stript of them at pleasure: Liberty
‘is too valuable a thing to be easily parted with, and
‘when such mean inducements procure such violent
‘endeavours to tear it from us, we must take leave to
‘say, they have neither heads, hearts, nor souls, that
‘are not moved with the miseries of their country, and
‘are not forward with their utmost power lawfully to
‘redress them.

‘We conclude, by advising the governor to consider
‘what it is that principally engages the affections of a
‘people, and he will find no other artifice needful than
‘to let them be unmolested in the enjoyment of what
‘belongs to them of right; and a wise man that despises
‘not his own happiness, will earnestly labour to regain
‘their love.

By order of the house,

‘Samuel Jenings, speaker.’

By this remonstrance may be seen much of the
history of the times, and that tho’ things were carried
to arbitrary lengths, there were not wanting in the pro-
vince, men of discernment to see and lament the un-
happy situation of their country, and of spirit to
oppose it’s greatest enemies; several such were in this
‘assembly

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assembly, the speaker in particular,ⁿ had very early known New-Jersey, had lived thro' many changes and commotions, to see great alterations in it; much concerned in publick transactions, he knew what belonged to a public character; he had governed the western part of the Province for several years, with integrity and reputation; saw the advantages of a just confidence, and that it could not be acquired another way; that though the office was in itself respectable, it was the honest execution of it according to it's dignity, that produced the intended service, and secured the approbation of a kind but watchful mistress; for such queen Anne was accounted to her governors. Jennings was also undaunted, and lord Cornbury on his part, exacted the utmost decorum; while as speaker he was delivering the remonstrance, the latter frequently interrupted him with a *stop, what's that*, &c. at the same time putting on a countenance of authority and sternness, with intention to confound him; with due submission, yet firmness, whenever interrupted, he calmly desired leave to read the passages over again, and did it with an additional emphasis upon those most complaining; so that on the second reading they became more observable than before;^o he at length got through; when the governor told the house, to attend him again *on saturday next, at 11 o'clock, to receive his answer*; he did not get ready till the twelfth, when sending for the house, he delivered his answer.

ⁿ. Lewis Morris, also now distinguished himself with great activity in behalf of *privilege*, and had a large share in the whole conduct of this assembly; of him more hereafter.

^o. After the house was gone, Cornbury with some emotion, told those with him, that *Jennings had impudence enough to face the D—l*.

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CHAP. XVI.

Lord Cornbury's answer to the assembly's remonstrance.

‘Gentlemen,

‘**O**N thursday last I received a paper from you,
 ‘which you call a remonstrance; I then told you,
 ‘it was of an extraordinary nature, and contained many
 ‘particulars, which tho’ they lay open enough to receive
 ‘an immediate answer, yet because I would not put it
 ‘in your power to say I had given you a rash inconsiderate
 ‘answer, I would make no return to it till the
 ‘saturday following, at which time I sent you word by
 ‘the secretary, that I should not expect your attendance
 ‘till this day. I shall not take notice of any thing in
 ‘your preamble, but the two last clauses of it; in the
 ‘first of which you say, that you have reason to think
 ‘that some of your sufferings are owing to the governor’s long
 ‘absence from this province, which renders
 ‘it very difficult to apply to him in some cases that
 ‘may need a present help: This is so far from being
 ‘true, that besides my being twice in this province
 ‘every year, and have never staid less than a Month,
 ‘some times six weeks, or more, the post goes every
 ‘week to New-York, by which I may be easily informed
 ‘of any emergency; moreover the lieutenant governor,
 ‘colonel Ingoldsby, resides constantly in this province,
 ‘and would certainly have done right to any persons that
 ‘would have complained to him; which makes this allegation
 ‘very frivolous.

‘In the next clause you say, that it were to be wished
 ‘that the affairs of New-York would admit the governor
 ‘oftener to attend those of New-Jersey. The affairs of
 ‘New-York have never hindred the governor from attending
 ‘those of New-Jersey, whenever it has been requisite; and I
 ‘can safely say, I don’t know of any grievances this
 ‘province labours under, except it be the having a certain
 ‘number of people
 ‘in

‘in it, who will never be faithful to, nor live quietly
 ‘under any government, nor suffer their neighbours
 ‘to enjoy any peace, quiet or happiness, if they can
 ‘help it.

‘I now begin with your articles.

‘Two women that have been condemned for mur-
 ‘dering, have not been executed, there having appeared
 ‘most notorious malice and revenge in some people,
 ‘who were zealous in these prosecutions; the queen
 ‘is the fountain of honour, justice and mercy; and
 ‘as she is so, she may when she pleases, exert her mer-
 ‘cy, either in reprieving or pardoning any criminal:
 ‘That power of pardoning and reprieving after con-
 ‘demnation, the subjects of this province, her majesty
 ‘has been pleased to intrust me with; and I am no
 ‘ways accountable to any person or number of persons
 ‘whatsoever, for what I do in those matters, but to the
 ‘queen’s majesty alone.

‘As for what you say, with relation to the appre-
 ‘hensions you have, that just heaven will not fail to
 ‘pour down vengeance upon your already miserable
 ‘country, if these criminals are not made to suffer
 ‘according to their demerits: I am of opinion, that
 ‘nothing has hindered the vengeance of just heaven
 ‘from falling upon this province long ago, but the
 ‘infinite mercy, goodness, long suffering, and forbear-
 ‘ance of almighty God, who has been abundantly
 ‘provoked by the repeated crying sins of a perverse
 ‘generation among us, and more especially by the
 ‘dangerous and abominable doctrines and the wicked
 ‘lives and practices of a number of people; some of
 ‘whom under the pretended name of christians, have
 ‘dared to deny the very essence and being of the saviour
 ‘of the world: It is a strange thing, that such an assem-
 ‘bly of men as the representatives of the people of this
 ‘province are or ought to be, should complain of any
 ‘thing under the name of hardship, before they had
 ‘informed themselves whether the thing they had a mind
 ‘to complain of, were really a hardship or not: This
 ‘plainly is your case at this time; for if you had asked
 any

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‘any man, that knows any thing of the practice of
‘the law in England, you would have found, that
‘if any proceedings had been carried on against any
‘persons supposed to be guilty, they have always
‘paid the court fees, notwithstanding the grand jury
‘have not found the bill; and this is so known a
‘practice, that it is not to be disputed; but when men
‘will intermeddle with, or pretend to things which
‘they neither know nor understand, they cannot
‘fail of misguiding themselves, and misleading those
‘that have a mind to be guided by them.

‘Indeed, if juries in this country were as they ought
‘to be, the supposition might in some measure be
‘allowed; but we find by woful experience, that there
‘are many men who have been admitted to serve upon
‘grand and petty juries, who have convinced the world
‘that they have no regard for the oaths they take, espe-
‘cially among a sort of people, who under a pretence
‘of conscience, refuse to take an oath; and yet many
‘of them under the cloak of a very solemn affirmation,
‘dare to commit the greatest enormities, especially if
‘it be to serve a friend, as they call him; and these are
‘the designing men, and the vindictive tempers, of
‘which all the queen’s good subjects ought to beware,
‘and be protected from; and these are the crying sins
‘which will undoubtedly draw down the vengeance of
‘just heaven upon this province and people, if not
‘timely and seriously repented of.

‘If I could persuade myself to wonder at any of the
‘enormities contained in this remonstrance (and
‘which I would do if it came from any other men) it
‘should be at this; because no reasonable man can
‘persuade himself to believe, that a number of men
‘chosen by their country to represent them, would pre-
‘sume to complain of a thing as a grievance, when the
‘thing complained of is in fact not true; for the office
‘of probate of wills is wherever the governor is; con-
‘sequently not at Burlington only: Ever since the queen
‘has done me the honour to entrust me with the govern-
‘ment of this province, I have never failed of being
‘in

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‘in the province twice every year, once at Burlington,
 ‘and once at Amboy; except the last year, that I had
 ‘the unspeakable misfortune of losing a wife, whom
 ‘I loved as my own soul, after a very long tedious
 ‘sickness, during which I am persuaded no reasonable
 ‘man could expect I should leave her for any time; and
 ‘yet notwithstanding that, I was twice at Amboy last
 ‘year, where any body that had a will to prove, might
 ‘have had it done if they had pleased; besides my
 ‘being twice every year in the province, considering
 ‘the remoteness of Cape-May county and the county
 ‘of Salem, I did appoint a surrogate at Burlington,
 ‘before whom any of the inhabitants of either division
 ‘might have had their wills proved; I did not think
 ‘it necessary to appoint one in the Eastern division
 ‘because the inhabitants of that division who are most
 ‘remote from New-York, are within a very easy day’s
 ‘journey of my surrogate at Burlington, and much the
 ‘major part of the people of that division, are within
 ‘a small day’s journey of New-York, where their pri-
 ‘vate affairs daily calls many of them, and where any
 ‘of them may have their wills proved without any
 ‘injury to, or encroachments upon their properties,
 ‘rights or privileges: This is so certain a truth, that I
 ‘am persuaded all judicious and impartial men will
 ‘look upon this complaint to be malicious, scandalous,
 ‘and frivolous, contrived only to amuse poor ignorant
 ‘people with notions of grievances; when in truth
 ‘there is no manner or cause of complaint: Besides
 ‘what you desire, is a direct invasion of the queen’s
 ‘prerogative; for it belongs to her majesty alone to
 ‘appoint who shall take probate of wills, and grant
 ‘letters of administration; and that power the queen
 ‘has been pleased to vest in the governor; and I am
 ‘sure I will never so far betray the trust her majesty has
 ‘honoured me with, as to sacrifice her prerogative
 ‘royal, to the humours of any person or persons what-
 ‘soever: But of all the people in the world, the qua-
 ‘kers ought to be the last to complain of the hardships
 ‘of travelling a few miles upon such an occasion, who
 ‘never

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‘never repine at the trouble and charges of travelling
 ‘several hundred miles to a yearly meeting, where it is
 ‘evidently known, that nothing was ever done for the
 ‘good of the country, but on the contrary continual
 ‘contrivances are carried on for the undermining of
 ‘the government both in church and state.

‘You have had as little regard to the truth of mat-
 ‘ter of fact in this complaint, as in some of the rest ;
 ‘for it is certain, that the secretary’s office is kept at
 ‘Amboy, as well as at Burlington, as far as the na-
 ‘ture of the thing requires, and it can admit of, for the
 ‘records of the eastern division, or at least so many of
 ‘them as the agent for the proprietors of that division
 ‘could hitherto recover from one Thomas Gordon,
 ‘into whose hands they were put in the time of the pro-
 ‘prietors government, and who has embezzled several
 ‘of them, for which he must be answerable : there is a
 ‘supreme court held once every year at Amboy, there
 ‘is no more at Burlington ; so that one division does not
 ‘enjoy more privileges and advantages than the other ;
 ‘and you have no more reason to desire a secretary’s office
 ‘to be settled at Amboy, than the people of the county of
 ‘Cumberland would have to desire a secretary of state’s
 ‘office to be settled in their county, because it is a great
 ‘way for them to travel to London when they have any
 ‘business in the secretary’s office ; the thing is incon-
 ‘sistent in itself, to have two secretaries offices in the same
 ‘province, and consequently unreasonable, and I am
 ‘pretty well satisfied without precedent ; besides I don’t
 ‘know any body that can claim the right or power of
 ‘appointing a secretary in this province but the queen,
 ‘and she has been pleased to appoint one under the
 ‘great seal of England, and her majesty is pleased to
 ‘think one sufficient, as undoubtedly it is ; but if you
 ‘had thought that another had been necessary, it would
 ‘have been much more modest to have acquainted me
 ‘with it, that I might have humbly represented it to her
 ‘majesty, rather than to have remonstrated that as a
 ‘grievance, which is done in pursuance of the queen’s
 ‘commands : But this is of the same nature with the
 ‘rest

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'rest of your complaints, contrived on purpose to a-
 'muse the poor ignorant people with a notion of grie-
 'vances, when in truth there is not the least colour or
 'cause of complaint. I could wish, since you had a
 'mind to colour this complaint with the authority of
 'an act of parliament of England, that you had
 'advised with some lawyer, to know whether this
 'could be any ways brought under that statute, or
 'can by any construction in the world be called a
 'monopoly; but where a man engrosses a commodity
 'into his own hands, and imposes what unreason-
 'able price he pleases upon that commodity, or where
 'a man is suffered to enjoy any trade or occupation
 'exclusive of others, to the prejudice of the pub-
 'lick, or particularly the hindering or burthening of
 'trade; the thing now complained of is so far from
 'being of that nature, that it is directly contrary; for
 'by the patent now complained of, the subjects of this
 'province have the conveniency of sending such quan-
 'tities of goods to and from Burlington and Amboy,
 'as their private occasions, or the nature of their trade
 'requires, at reasonable and certain rates, and at certain
 'times, which they never could do before; for before
 'the settling of this waggon, if any persons had occasion
 'to send any goods to or from either of those places,
 'they were forced to hire a waggon, tho' perhaps they
 'had not the tenth part of a load, and were forced to
 'pay such rates as the owners of the waggon thought
 'fit to impose upon them; whereas at present every
 'body is sure once a fortnight to have an opportunity of
 'sending any quantity of goods, great or small, at
 'reasonable rates, without being in danger of being
 'imposed upon at the will of the owner of the waggon;
 'and the settling of this waggon is so far from being a
 'grievance or a monopoly, that by this means and no
 'other, a trade has been carried on between Philadel-
 'phia, Burlington, Amboy and New-York, which
 'was never known before; and in all probability would
 'never have been, had it not been for this certain
 'convenient way of sending such quantity of goods
 'as

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‘ as people pleased from place to place ; and in all the
 ‘ parts of Europe, the having publick carriages for
 ‘ goods has always been esteemed of absolute necessity,
 ‘ and the want of them has been looked upon as a hard-
 ‘ ship : But it seems those things which in the wisest
 ‘ and best governments in Europe, have not only been
 ‘ thought convenient but esteemed of absolute necessi-
 ‘ ty, are found out by some of our wiser people here,
 ‘ to be grievances and monopolies : This being un-
 ‘ doubtedly true, it’s plain the patent complained of
 ‘ cannot come within the stat. of the 21 Ja. 1. chap. 3.
 ‘ This I believe will be sufficient to convince all reason-
 ‘ able men, how frivolous and unreasonable this com-
 ‘ plaint is. I shall observe, that when I was first applied
 ‘ to for a patent for the allowing this waggon, which
 ‘ was by one Dellaman, who in colonel Hamilton’s
 ‘ time was permitted to drive a waggon for carrying
 ‘ goods, tho’ under no regulation, either with respect
 ‘ to times of going, or prices for carrying goods, and
 ‘ then was no monopoly ; before I would grant it, I did
 ‘ acquaint the council with it, and desired them to let
 ‘ me know, if they apprehended any inconveniency in
 ‘ granting such a patent ; those gentlemen were all of
 ‘ opinion, there could be no inconveniency in it, but
 ‘ rather a great conveniency ; and indeed experience
 ‘ has proved that opinion to be true ; nay, mr. Lewis,
 ‘ Morris himself, the chief promoter of these unreason-
 ‘ able and frivolous complaints at this time, who had
 ‘ the honour to be one of her majesty’s council, ex-
 ‘ pressed himself very fully to that purpose : Indeed
 ‘ had that gentleman ever been consistent with himself
 ‘ in any two actions of his life, I should wonder how
 ‘ he could so soon alter his opinion in a case of that
 ‘ nature ; but his behaviour at all times having fully
 ‘ convinced the world that he never was so, makes me
 ‘ cease wondering : This clause of your remonstrance is
 ‘ indeed of a more extravagant nature than the former,
 ‘ for you presume to call that a great grievance, and
 ‘ affirm it to be directly contrary to magna charta, and
 ‘ contrary to the queen’s express directions in the
 ‘ governor’s

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‘governor’s instructions; which is most certainly ex-
 ‘actly pursuant to, and in obedience of the express
 ‘words contained in the queen’s instructions to the
 ‘governor; so that you make the governor’s faithful
 ‘obedience to the instructions the queen has honoured
 ‘him with, to be a great grievance; which is no less
 ‘than accusing her most sacred majesty, the best of
 ‘queens, of commanding her governor to do things
 ‘which in themselves are great grievances: how grate-
 ‘ful a return this is to her majesty, for the repeated
 ‘favours she has been pleased to shew to this province
 ‘and people, let the world judge!

‘That clause of my instructions which you recite
 ‘in this article, has no manner of relation to fees; in-
 ‘deed there is another clause in my instructions, which
 ‘directs how, and by whom, all fees shall be settled,
 ‘and the queen’s commands have been observed: the
 ‘words of the clause are those, “And you are with
 “the advice and consent of our said council, to take
 “especial care to regulate all salaries and fees belonging
 “to places, or paid upon emergencies, that they be
 “within the bounds of moderation, and that no exac-
 “tion be made on any occasion whatsoever; as also that
 “tables of all fees be publickly hung up in all places
 “where such fees are to be paid, and you are to trans-
 “mit copies of all such tables of fees to us, and to our
 “commissioners for trade and plantations as aforesaid;”
 ‘and I challenge every one of you, and all mankind,
 ‘to shew, how, when, and where, any man’s life,
 ‘member, freehold, or goods, have been taken away,
 ‘or harmed in this province, since it came under her
 ‘majesty’s government, otherwise than by established
 ‘and known laws, not repugnant to, but as much as
 ‘may be, agreeable to the laws of England: When I
 ‘first read this clause, I could not imagine what it was
 ‘put in for, unless it were on purpose to arraign the
 ‘queen’s express commands to me. First, Mr. Son-
 ‘mans is not the pretended agent, but the lawfully
 ‘constituted agent for the proprietors of the eastern
 ‘division of this province, and has qualified himself
 ‘according

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‘according to the queen’s instructions to me, and he
‘does reside the greatest part of his time in the pro-
‘vince; the records are not carried out of the Eastern
‘division, unless it be those which Thomas Gordon
‘has imbezzled; but those that came to the hands of
‘Mr. Sonmaus are kept at Amboy, where any body
‘may have recourse to them that will desire it, at any
‘reasonable hour; and the country is not under any
‘disappointment upon that account; besides the records
‘of the Eastern division were put into the hands of the
‘proprietors agent, by an order from England, upon a
‘complaint made in England, that the records were
‘not in the hands of the proprietors agents.

“These, governor, are some of the grievances.”

‘This is certainly one of the boldest assertions that
‘ever was made, especially when there appears no man-
‘ner of proof to make it out: When I read these two
‘clauses; for there are two before you come to enu-
‘merate these grievances of an higher nature, and attend-
‘ed with worse consequences, I expected to have found
‘myself, or some other persons intrusted with me in
‘the administration of the government over her ma-
‘jesty’s subjects in this province, not only accused, but
‘made plainly appear, by undeniable manifest proofs,
‘beyond the possibility of a contradiction, to be guilty of
‘the most enormous crimes: Who can imagine when
‘such a body of men, as the representatives of a pro-
‘vince, venture to say, that they did expect when the
‘government of the Jerseys was surrendered, to feel the
‘influences of the queen’s mild government under her
‘more immediate administration, and to be protected
‘in the full enjoyment of their liberties and properties;
‘the last of which they thought themselves a little more
‘secure in, than some of the neighbouring plantations,
‘and had an entire dependance that her majesty’s royal
‘bounty and goodness would never be wanting to make
‘them easy and happy, even beyond their wishes; it is
‘their misfortune, that they must say, the success has
‘not answered the expectation; and the queen’s sub-
‘jects here have felt the reverse of what they had most
‘reason

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'reason to hope that the greatest and best of princes
 'is without all peradventure ignorant of their pres-
 'sures, or they had long since had relief; she is too
 'good to continue even the deserved sufferings of the
 'miserable, and has more of heaven in her, than not
 'to hear the cries of those that groan under oppression
 'and the unkind effects of mistaken power, to whom
 'they owe their misery; who would not, I say, after
 'such assertions, expect to see the governor proved
 'guilty either of treason, or betraying the trust re-
 'posed in him by the queen, by depriving the subjects
 'of their lives, their estates or properties, or at least
 'denying them justice, and perverting the laws, to the
 'oppression, instead of administering them for the pro-
 'tection and preservation of the people committed to
 'his charge? These or the like crimes manifestly proved,
 'are the only things that can justify men in the accus-
 'ing a governor of corrupt practice, and of shaking
 'the liberties and properties of the people; but if
 'none of these things can be proved, but on the con-
 'trary, it does appear plainly, that no one act of seve-
 'rity, much less of injustice or oppression, has been
 'done since the government of this province came un-
 'der the queen, but that there has been an impartial,
 'just and equal administration of justice observed thro'
 'out the whole course of my government, and that
 'many acts of mercy have been extended to persons
 'who deserved to be severely punished; then what sort
 'of creatures must these bold accusers appear to be, in
 'the eyes of all impartial and judicious men! That
 'these are truths beyond all contradiction, and which
 'all the people of this province know, I do challenge
 'you, and every one of you, to prove the contrary:
 'And tho' I know very well, that there are several
 'unquiet spirits in the province, who will never be
 'content to live quiet under any government but their
 'own, and not long under that neither, as appears by
 'their methods of proceeding when the government
 'was in the hands of the proprietors; when many of
 'these very men who are now the remonstrancers, were
 'in

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‘in authority, and used the most arbitrary and illegal
‘methods of proceeding over their fellow subjects
‘that were ever heard of; yet I am satisfied, there are
‘very few men in the province, except Samuel Jen-
‘ings and Lewis Morris, men known neither to have
‘good principles, nor good morals, who have ventur-
‘ed to accuse a governor of such crimes, without any
‘proof to make out their accusation; but they are ca-
‘pable of any thing but good.

‘But that the unreasonableness of these complaints
‘may appear the plainer, let us consider what these
‘enormities of mine are, that have turn’d the benign
‘influences of the queen’s mild government into op-
‘pression, and the unkind effect of mistaken power:
‘First, by the instructions her most sacred majesty the
‘queen has honoured me with, I am to allow all such
‘agents as the general proprietors shall appoint, such
‘agents qualifying themselves by taking such oaths as
‘the queen is pleased to direct, and no others; no per-
‘sons under the name of a council of proprietors have
‘ever tendered themselves to take those oaths, conse-
‘quently they are not capable of acting as agents;
‘Besides, I say, those people who call themselves a
‘council of proprietors, are a parcel of people, pre-
‘tending to act by a power derived from certain per-
‘sons, who have no power to grant; the governor has
‘therefore done in this case nothing but his duty, in
‘hindering, as far as in him lay, that pretended coun-
‘cil of proprietors from acting illegally, which they
‘have long done to the prejudice of her majesty’s sub-
‘jects: This is a truth I cannot doubt of, because be-
‘sides the other reasons I have to satisfy me in that
‘point, you have voted my putting the records of the
‘eastern division into the hands of Peter Sonmans, to
‘be a grievance; tho’ Mr. Sonmans has qualified him-
‘self long ago; so that the council of proprietors not
‘having qualified themselves at all, is a much greater
‘grievance. By the queen’s instructions to me, she
‘is pleased to direct, that no person shall be capable of
‘being elected a representative by the freeholders of
‘either

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'either division, or afterwards sitting in general assem-
 'bly, who shall not have one thousand acres of land,
 'of an estate of freehold in his own right, within the
 'division for which he shall be chosen; two gentlemen
 'of the council informed me, that three persons,
 'whose names they then mentioned, were not qualified;
 'upon which I refused to take their attestations (for
 'they were all Quakers) and in so doing, I did my
 'duty: I recommended it to the assembly at that time
 'to proceed in the first place, to enquire into that matter;
 'but they did not think fit to do it, till they had sat
 'about three weeks, and then they sent me a message,
 'to desire those three members might be sworn, for
 'they were satisfied they were qualified: I sent them
 'word, that if they would communicate to me the
 'proofs which had satisfied them, I should be ready to
 'admit them; but that they would not do: In some few
 'days the assembly was adjourned to meet at Burling-
 'ton, where they met at the time appointed, and sent
 'me the same message as they had done before; I sent
 'them the same answer; upon which they ordered the
 'three members to produce to me the proofs of their
 'qualifications; which having done, I admitted them
 'immediately, which I could not do before, without
 'breaking the queen's instructions; so that it was en-
 'tirely through their own stubbornness that they were
 'not admitted sooner, and no intent or desire of mine to
 'keep them out: If I had had a mind to keep any mem-
 'bers out of the house, I could have made objections
 'which they could never have answered; but such
 'practices are below me; and it is not true, that I have
 'made any violation of the liberties of the people, nor
 'have assumed to myself a negative voice to the free-
 'holders election of representatives, as this house of
 'representatives has lately most notoriously done: But
 'of that more anon.

'Indeed the treatment I have met with from this
 'house of representatives, is far different from what I
 'and all reasonable men expected from most of them,
 'thinking them endowed with reason and common
 'justice

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‘justice to mankind ; but it is not different from what I
‘expected from Samuel Jenings and Lewis Morris,
‘two men notoriously known always to have been
‘disturbers of the quiet and peace of this province,
‘men always possessed with passionate heats, and the
‘transports of most vindictive tempers, but never
‘capable of such serious resentments as would become
‘a house of representatives, if there were any occasion
‘given them to shew any ; how they have been able to
‘prevail with the major part of the house to join with
‘them, in destroying as far as in them lay, the reputa-
‘tion of a gentleman who has the honour to serve the
‘queen as governor of this province, and is so far
‘from deserving such treatment from them, that he
‘has always done to the utmost of his power, for the
‘good, welfare and prosperity of this province and
‘people, and would have done much more if the
‘assembly would have put it into his power, by pre-
‘paring such bills as the governor at the beginning of
‘every sessions has recommended to them, and the
‘condition of the country required ; but that they must
‘answer for to God and their own consciences, and
‘perhaps one day to me.

‘Whether many considerable sums of money have
‘been raised or not, I know not ; and if they were
‘raised, for what intent and purpose they were raised I
‘know not ; but this I know, that if any money was
‘raised, it was not given to me, nor was ever any mo-
‘ney offered to me to procure the dissolution of the
‘first assembly, or to get clear of the proprietors quit
‘rents, or to obtain such officers as the contributors
‘should approve of, as is falsely alledged : The reasons
‘why I dissolved the first assembly were evident to all
‘mankind ; for it was plain that house never intended
‘to do any thing for the support of the queen’s govern-
‘ment, nor for the good of the country ; and indeed
‘better could not be expected from an assembly so cor-
‘ruptly chosen as that was ; for some of the now
‘remonstrancers, and some other people, prevailed
‘with Thomas Gordon, then sheriff of the county of
‘Middlesex,

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‘Middlesex, to refuse a poll when demanded; and
 ‘when the people, injured by that practice, complained
 ‘to the house of representatives, they had a day
 ‘assigned them to be heard, but were limited to bring
 ‘but twenty witnesses; the people attended at the day
 ‘appointed, with the number of witnesses they were
 ‘allowed to bring, but were then by the house refused
 ‘to be heard, not only by themselves but by their
 ‘council, and their witnesses refused to be examined;
 ‘tho’ at the same time they heard Thomas Gordon,
 ‘who was complained against, and did examine some
 ‘witnesses on his behalf; upon which the petition of
 ‘the complainants was dismiss, thereby supporting the
 ‘illegal proceedings of the sheriff: this was a viola-
 ‘tion of the rights of the people with a vengeance,
 ‘and a sufficient reason, (if I had no other) for the
 ‘dissolving that assembly, that the people might once
 ‘more have a free choice of their representatives: As
 ‘for getting clear of the proprietors quit rents, it is
 ‘such an absurdity to mention, that no body would be
 ‘guilty of it but Samuel Jenings and Lewis Morris;
 ‘for it is evident, that at the beginning of every sessions
 ‘I have recommended it to the assembly, to prepare a
 ‘Bill or Bills, for settling the rights of the proprietors;
 ‘which I suppose will be a full answer to that part;
 ‘and as I know of no such men as contributors, so
 ‘can I have no such application made to me: I have
 ‘not knowingly put any mean or mercenary men into
 ‘office; indeed at my first coming into the
 ‘government of this province, I desired the gentle-
 ‘men of the council, to recommend persons to me fit
 ‘to be put into offices, military and civil; several of
 ‘them gave me lists, and amongst the rest mr. Lewis
 ‘Morris gave me one, which I have still by me, in
 ‘which indeed, by experience, I find there are some
 ‘mean, scandalous men; but I cannot accuse any body
 ‘else of doing the like. Thus much I thought my-
 ‘self obliged to say, in answer to your remonstrance,
 ‘to satisfy the world of the falshood of your allegations
 ‘and the unreasonableness of your complains. I have
 ‘said

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‘said the less in answer to the scandalous reflections you
‘have cast upon me, because I do not doubt, but upon
‘my most humble application to her most sacred ma-
‘jesty the queen, she will be graciously pleased to
‘allow me to take such measures as may be most proper
‘to procure me ample satisfaction, for the great and
‘extravagant injuries you have done me: As for the
‘advice you conclude with, I shall only say, that I
‘can never answer the taking advice from men who
‘do not know how to govern themselves, and who
‘have always opposed the service of the queen, and
‘the interest and good of the country, which are
‘inseparable.

‘Now, gentlemen, I shall take notice to you of some
‘of your late unaccountable proceedings in this assem-
‘bly, which I can’t pass by without a breach of the
‘trust reposed in me by her majesty; and first, I shall
‘observe, that at the opening of the sessions, I recom-
‘mended to you the settling a revenue, and the preparing
‘several bills which I thought might be useful for the
‘country; and I told you, that if you found any thing
‘else necessary to be provided for by a law, you should
‘always find me ready to agree to any thing that might
‘be reasonable; but instead of proceeding upon those
‘things so necessary, that they ought to have employed
‘your first thoughts, you have squandered away your
‘time in hawking after imaginary grievances, for the
‘space of one whole month, without making one step
‘towards the service of the queen, or the country;
‘you have presumed to take the queen’s subjects into
‘the custody of the serjeant at arms, who are not
‘members of your house; which you can’t lawfully do;
‘and is a notorious violation of the liberties of the
‘people; you have taken upon you, to administer an
‘oath to one of your members, and have expelled him
‘the house for refusing to take an oath, which you
‘could not legally administer to him: This is most
‘certainly robbing that member of his property, and
‘a most notorious assuming to yourselves a negative
‘voice to the freeholders election of their representa-
‘tives;

'tives; for which there can be no precedent found:
 'You have arbitrarily taken upon you, to command
 'the high sheriff of this county, to discharge a prisoner
 'who was in his custody, at the suit of one of the
 'queen's subjects; and he has been weak enough to do
 'it, for which he lies liable to be sued for an escape,
 'whenever the gentleman thinks fit to do it; and from
 'which you can't protect him: This is a notorious
 'violation of the rights of the subjects, and a manifest
 'interruption of justice: You have taken upon you, to
 'appoint one of your members to act as clerk of the
 'committee of the whole house, which you have no
 'power to do; and the party officiating is liable to be
 'prosecuted for acting without lawful authority, and
 'without being qualified to act. These, gentlemen,
 'are some of the irregularities you have been guilty of
 'this sessions; some of them are encroachments upon
 'the queen's prerogative, the rest are all notorious
 'infractions upon the liberties and properties of the
 'people.

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'I was going to conclude, with giving you some
 'wholesome advice; but I consider that will be but
 'labour lost, and therefore shall reserve it for persons
 'who I hope will make a right use of it.

CHAP. XVII.

The assembly's reply to Lord Cornbury's answer to their remonstrance.

THE assembly did not immediately go upon the consideration of a reply, having before them the treasurer, Peter Fauconier's accounts, in which they found many articles extraordinary in their nature, several of them being paid by Cornbury's order barely, and the whole without vouchers; they sent for him; he attending, refused to lay his vouchers before them without the governor's commands; two members were sent to the governor

Fauconier's accounts.

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governor, to desire him to order the treasurer to lay the vouchers of his accounts, and the orders for the payment of the sums therein mentioned before them; the governor said, he had already ordered it, though it was what he could not legally do, because the lord high treasurer had appointed an auditor general for the province, and he not being in it, had deputed one to audit the accounts, and that the treasurer was accountable only to the lord high treasurer; but if the house was dissatisfied with any articles in the accounts, and thought proper to apply to him, he would satisfy them: This was not done; and the accounts, extraordinary as they were, remained unsettled till Hunter's administration several years after. Several bills of consequence were now also under consideration; but Cornbury, apprehensive, that if he suffered the sessions to continue much longer, it would produce something not to his advantage, on the 16th adjourn'd the house till the next September, to meet him at Amboy. In the October following they met accordingly: The first thing now concluded on, was a reply to the foregoing answer to their remonstrance; next place, they resolved N. C. D. that they would raise no money till the governor consented to redress the grievances of the country; which if he did, they would raise £. 1500, for support of government for one year.

On the 28th, the house sent a committee to acquaint the governor, that having seen his answer to their remonstrance in print, they thought fit to make a reply to it, and desired to know when he would admit them to wait on him with it; the governor said, he would return an answer in due time; they waited for his message till next day, and then concluding he intended to elude giving them opportunity of presenting it, sent a committee with it, but he would not receive it;

it; upon which they ordered it to be entered in their journal, as follows:

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‘ May it please your excellency,

WE, the representatives of this her majesty’s province of New-Jersey, finding her majesty’s subjects greatly, and as we are very well satisfied with good reason, aggrieved; thought we could not answer the trust reposed in us by our country, should we not endeavour to get those hardships removed under which they labour.

‘ It was needless to hunt after imaginary grievances, real ones in too great numbers presenting themselves; and though from you we have miss’d of obtaining that relief that the justice of our complaints intitled us to; yet we do not despair of being heard by her sacred majesty, at whose royal feet we shall in the humblest manner lay an account of our sufferings; and however contemptible we are, or are endeavour’d to be made appear, we are persuaded her majesty will consider us as the representatives of the province of New-Jersey, who must better know, what are the grievances of the country they represent, than a governor can do, who regularly ought to receive informations of that kind from them; and we do not doubt that glorious queen will make her subjects here as easy and happy as she can.

‘ When we told your excellency, we had reason to think some of our sufferings were very much owing to your excellency’s long absence from this province, which rendered it very difficult to apply to your lordship in some cases that might need a present help, we spoke truth; and notwithstanding all your excellency
‘ has

p. Their message to introduce it he received, and the next day laid it before the council, as follows: ‘ The house of representatives having sent a message to your excellency, to know when your excellency would be waited upon with a reply this house has made to your excellency’s answer to their remonstrance; and your excellency having not, as is usual in such cases, assigned them any time, they have appointed us to wait on your excellency with the said reply, and to deliver it to you.’

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‘has said of a months or twelve weeks in a year, and
 ‘the weekly going of a post; we cannot be per-
 ‘swaded to believe, that nine months and upwards in a
 ‘year, is not a long absence, especially when the seal
 ‘of the province is carried and kept out of the govern-
 ‘ment all that time; and the honourable colonel
 ‘Ingoldsby, the lieutenant governor, so far from
 ‘doing right, that he declined doing any act of
 ‘government at all; whether he governs himself by
 ‘your excellency’s directions or not, we cannot tell; but
 ‘sure we are, that this province being as it were with-
 ‘out government for above nine months in a year, we
 ‘must still think it a great grievance, and not made less
 ‘so by carrying the seal of the province to New-York,
 ‘and laying her majesty’s subjects under a necessity of
 ‘applying from the remotest part of this province, for
 ‘three parts of the year and better, to your excellency
 ‘at fort Ann, in New-York, from which place most
 ‘of the commissions and patents granted during your
 ‘excellency’s absence, are dated, (by what authority
 ‘we shall not enquire) notwithstanding a lieutenant
 ‘governor resides in the province, and is by her ma-
 ‘jesty’s commission impowered to execute the queen’s
 ‘letters patents, and the powers therein contained,
 ‘during your excellency’s absence from this province
 ‘of New-Jersey; without which powers given and
 ‘duly executed, a lieutenant governor is useless and an
 ‘unnecessary charge; and we cannot think, that her
 ‘sacred majesty, who honoured that gentleman with so
 ‘great a mark of her royal favour, as giving him a
 ‘commission for lieutenant governor of New-Jersey,
 ‘did at the same time inhibit him from executing the
 ‘powers therein exprest.

‘Things are sometimes best illustrated by their
 ‘contraries; and perhaps the most effectual way to
 ‘convince the world, that this complaint is frivolous
 ‘and untrue, as by your excellency alledged, would
 ‘be, for your excellency to bring the seal of the pro-
 ‘vince of New-York to Burlington, keep it there,
 ‘and do all the acts of government relating to the pro-
 vince

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‘vince of New-York, at Burlington, in New-Jersey,
 ‘for about three fourths of a year, and let the lieute-
 ‘nant governor reside at New-York during that time,
 ‘without doing any act of government, adjourn their
 ‘assemblies on the very day, or day before they are to
 ‘meet, that they may not lose the advantage of
 ‘travelling to New-York, from the remotest part of
 ‘that province, and at a time when it cannot be done
 ‘without the utmost prejudice to their affairs; it’s
 ‘hardly probable they would be pleased under such an
 ‘administration, notwithstanding the ease of inform-
 ‘ing your excellency every week by the post, of any
 ‘emergency that might happen.

‘We are apt to believe, upon the credit of your ex-
 ‘cellency’s assertion, that there may be a number of
 ‘people in this province who will never be faithful to,
 ‘or live quietly under any government, nor suffer their
 ‘neighbours to enjoy any peace, quiet nor happiness,
 ‘if they can help it; such people are pests in all go-
 ‘vernments, have ever been so in this, and we know
 ‘of none who can lay a fairer claim to these characters
 ‘than many of your excellency’s favorites.

‘What malice and revenge were in the prosecution
 ‘of the condemned persons, we don’t know; we never
 ‘heard of any till now, and hardly can be persuaded
 ‘to believe it’s possible there should be in both the
 ‘instances.

‘It is not impossible, there might be malice in the
 ‘prosecution of the woman who was condemned for
 ‘poisoning her husband; there not being (as is said)
 ‘plain proof of the fact, but it was proved she had
 ‘attempted it before more than once; and there were
 ‘so many other concurring circumstances as did induce
 ‘the jury, who were of the neighbourhood (and well
 ‘knew her character) to find her guilty, and it is hardly
 ‘probable their so doing was an act of malice.

‘The woman who murdered her own child, did it
 ‘in such a manner, and so publickly, that it is unreason-
 ‘able to suppose there could be any malice in the pro-
 ‘secution of her, and we cannot think (notwithstand-
 ‘ing

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‘ing your excellency’s assertions) that you can or may
 ‘believe there was. This woman was a prisoner in
 ‘the sheriff’s custody for breach of the peace, and
 ‘going about some of the household affairs the sheriff
 ‘employed her in, with a knife in her hand, her child
 ‘who was something froward, followed her crying;
 ‘upon which the mother turned back to it and cut it’s
 ‘throat; but not having cut it deep enough, the child
 ‘still followed her all bloody, and crying, O! mother
 ‘you have hurt me; the mother turned back a second
 ‘time, and cut it effectually, and then took it up and
 ‘carried it to the sheriff or his wife, at whose feet she
 ‘laid it: How far such a wretch is entitled to the queen’s
 ‘favour, her majesty can best tell, when she is made
 ‘acquainted with the fact; but sure we are, she never
 ‘gave your excellency the power of pardoning wilful
 ‘murder: Whether your excellency has or has not re-
 ‘priev’d them, you best know, and are only accounta-
 ‘ble to her majesty for your procedures therein; tho’
 ‘we have too much reason to believe, the favourable
 ‘opinion your excellency has so publickly expressed of
 ‘her, has been a great reason to induce her to make
 ‘her escape, which she has done.----We thought it our
 ‘duty, humbly to represent that matter to your excel-
 ‘lency’s consideration, and had reason to be apprehen-
 ‘sive of the judgments of almighty God, whose infi-
 ‘nite mercy has hitherto suspended the execution of
 ‘his justice, notwithstanding that great provocations
 ‘have been given him, by impiety, prophaneness and
 ‘debauchery, under the mask of a pretended zeal for
 ‘his glory, and love for his church: It is not our busi-
 ‘ness to enter into religious controversies; we leave
 ‘them to divines, who ought best to understand things
 ‘of that nature, and who may perhaps inform us what
 ‘is meant by denying the very essence of the saviour of
 ‘the world.

‘We cannot yet be persuaded, that an innocent
 ‘person should pay fees; what the practice in England
 ‘is, we did never enquire, but believe, that persons
 ‘acquitted by a grand jury, do not pay those extrava-
 ‘gant

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‘gant fees they are made to pay here; we did not
‘govern ourselves by the practice there, but the unrea-
‘sonableness of the thing; and your excellency does
‘grant, that what we say is in some measure to be
‘allowed, were the juries in this country such as they
‘ought to be; we hope they are, and our experience has
‘not convinced us, that persons who under pretence
‘of conscience refuse an oath, have yet no regard for
‘the oaths they take, as your excellency says. The
‘temptations to resentment prove often too powerful,
‘and irresistably engage us in unbecoming heats, and
‘when the characters of men are written with pens
‘too deeply dipt in gall, it only evinces a want of tem-
‘per in the writer. Our juries here are not so learned
‘or rich as perhaps they are in England; but we doubt
‘not full as honest. We thought the only office for
‘probate of wills was at Burlington; but your excel-
‘lency has convinced us, that it is wherever your
‘excellency is, and consequently may be at York,
‘Albany, the east end of Long-Island, or in Con-
‘necticut, or New-England, or any place more remote
‘should your excellency’s business or inclination call
‘you there; which is so far from making it less a
‘grievance, that it rather makes it more so; and not-
‘withstanding those soft, cool, and considerate terms
‘of malicious, scandalous and frivolous, with which
‘your excellency vouchsafes to treat the assembly of
‘this province; they are of opinion, that no judicious
‘or impartial men, will think it reasonable, that the
‘inhabitants of one province should go into another
‘to have their wills proved, and take letters of admi-
‘nistration at Fort Ann, from the governor of New-
‘York, for what should regularly be done by the
‘governor of New-Jersey in Jersey, to which place
‘all the acts of government relating to New-Jersey,
‘are limited by the queen’s letters patents under the
‘great seal of England; and when your excellency is
‘absent from New-Jersey, to be executed by the lieu-
‘tenant governor; and by the said letters patents not
‘the least colour of authority is given to your excel-
lency,

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‘lency, to do any act of government relating to
‘New-Jersey, any where but in Jersey; nor is there
‘any instruction (that we know of) contradicting the
‘said letters patents any where upon record in this
‘province, to warrant your excellency’s conduct in that
‘affair: If this be not cause, and just cause of com-
‘plaint, we do not know what is; we are inclined to
‘believe, the province of New-York would think it
‘so, were they to come to Amboy or Burlington, to
‘prove wills, &c.

‘We do not think, that what we desire, is an inva-
‘sion of the queen’s right; but what her majesty,
‘without infringement of her prerogative royal, may
‘assent to; and their late majesties of blessed memory,
‘did, by their governor colonel Fletcher, assent to an
‘act made in New-York, in the year 1692, entitled,
‘*An act for the supervising intestates estates, and regu-
‘lating the probate of wills, and granting letters of
‘administration;*’ by which the court of common pleas
‘in the remote counties of that province, were im-
‘powered to take the examination of witnesses to any
‘will within their respective counties, and certify the
‘same to the secretary’s office; and the judges of the
‘several courts in those remote counties, impowered
‘to grant probates of any will, or letters of administra-
‘tion, to any person or persons, where the estate
‘did not exceed £. 50; what has been done there may
‘with as much reason be done here, without sacrificing
‘the queen’s prerogative royal to the humours or
‘caprices of any person or persons whatsoever.

‘It is the general assembly of the province of New-
‘Jersey, that complains, and not the quakers, with
‘whose persons (considered as quakers) or meetings we
‘have nothing to do, nor are we concerned in what
‘your excellency says against them; they perhaps,
‘will think themselves obliged to vindicate their meet-
‘ings from the aspersions which your excellency so
‘liberally bestows upon them, and evince to the world
‘how void of rashness and inconsideration your excel-
‘lency’s expressions are, and how becoming it is for
‘the

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‘the governor of a province to enter the lists of controversy, with a people who thought themselves entitled to his protection of them in the enjoyment of their religious liberties; those of them who are members of this house, have begged leave in behalf of themselves and their friends, to tell the governor, they must answer him in the words of Nehemiah to Sanballat, contained in the 8th verse of the 6th chapter of Nehemiah, viz. *There is no such thing done as thou sayest, but thou joighest them out of thine own heart.*

‘We are so well assured the fact is true, that the secretary’s office is kept at Burlington only, that we still are of opinion it is a grievance, for the reasons we have assigned; the proprietors records has not any thing to do with the secretary’s office, but is an office wholly belonging to the proprietors, and altogether at their disposal; and is not a secretary’s office kept at Amboy, either as far as the nature of the thing requires or can admit of, or any way at all.

‘And as the assemblies and courts sit alternately at Amboy and Burlington, so it is highly reasonable the secretary’s office should be kept alternately also at both these places, or by deputy in one of them, and may be very well done without making two secretaries.

‘Both this and the rest of our complaints, are not with design to amuse the people, but are just and reasonable; and we believe, will by the people be thought to be grievances till they are redressed; who can no more think it reasonable, that all the inhabitants of the eastern division should come to the office at Burlington, than that all of the western division should go to Amboy.

‘We are still of opinion, the grant we complain of is against the statute we mentioned, because it is exclusive of others, and to the prejudice of the publick. It can never be thought reasonable to prohibit any body to cart their own goods, or any body’s else, as by virtue of that grant has been done; and not only in
‘the

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‘the road from Amboy to Burlington, but in the road
‘from Shrewsbury; and a patent may as well be
‘granted to keep horses to hire, by which a man may
‘be hindred to ride his own: It is destructive to the
‘common rights of men, and a great grievance, and
‘we had reason to endeavour to get it redressed.

‘It’s true, a certain convenience for transportation of
‘goods, is no doubt of great use, and the profit that
‘accrues by such undertakings, is the motive that in-
‘duces any persons to be at the charge of them, and
‘providing fit carriages for that end, and of ascer-
‘taining the times and prices of carrying; and the more
‘providers of such carriages, the more certain and
‘cheap the transportation, and freest from imposition;
‘and consequently the fewer carriages, the less certain
‘and dearer, and the persons under a necessity of using
‘them more subject to be imposed upon by the carrier;
‘now whether granting by which others are excluded,
‘waving the unlawfulness of it, be a means to increase
‘the number of the undertakers in that kind, or to
‘lessen them, and confine those who have any occasion
‘to transport goods, to give such price as he that has
‘the patent thinks fit to impose, we leave to all men
‘of common sense to judge; and if experience may
‘be admitted to determine that matter, it is plain that
‘transportation of goods, both by land and water, is
‘dearer than it was before the granting of that patent:
‘It’s true, the certainty was not so great as now; for
‘now we are certain that a man cannot with his own
‘carts carry his own goods, but that if he does they
‘will be seized; and if that be one of the conveniences
‘which the wise people in Europe think of absolute
‘necessity, we shall think it no irony to be called wiser,
‘in differing from them, and calling them monopolies
‘as they are, and prejudicial to trade, and especially
‘that between York and Amboy, Burlington and
‘Philadelphia; which did not owe it’s beginning to
‘your excellency’s patent, but was begun long before
‘your excellency had any thing to do with New-Jersey,
‘and in all probability had much more increased were
‘it

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‘it not for that patent; and we believe whenever the
 ‘gentlemen of the law will give your excellency their
 ‘true opinion of it, you will not be long in doubt
 ‘whether ’tis a monopoly or not: We thought it a
 ‘monopoly, as we do still, and a grievance, as is also
 ‘both that and other grants made by your excellency
 ‘at fort Ann in New-York; for any thing in Jersey.

‘Your excellency has neither by birth nor acquisition,
 ‘a right to the sovereignty of New-Jersey; nor
 ‘have you any power of governing the queen’s subjects
 ‘here, but what her majesty is pleased to grant you by
 ‘her letters patents, under the great of England; by
 ‘which letters patents the powers therein contained, are
 ‘limited to that country, which was formerly granted by
 ‘king Charles the second, under the name of Nova Cæsaria
 ‘or New-Jersey, and which has since been subdivided
 ‘by the proprietors, and called East New-Jersey,
 ‘and West New-Jersey, and which her majesty is pleased
 ‘to reunite under one entire government, viz. “The
 “divisions of East and West New-Jersey, in America;
 “and in case of your excellency’s death, or absence from
 “that country, which was subdivided by the proprietors,
 “and called East New-Jersey and West New-Jersey,
 “the powers of government are lodged in other hands.” Now
 ‘either fort Ann and the city of New-York, is in that
 ‘country granted by king Charles the second, and subdivided
 ‘by the proprietors thereof, and called East New-Jersey
 ‘and West New-Jersey; or your excellency is absent from
 ‘New-Jersey, when you are at fort Ann in New-York;
 ‘that fort Ann is in New-Jersey, we believe, that even your
 ‘excellency will think impracticable to persuade us to
 ‘do so much violence to our reason as to believe;
 ‘therefore your excellency when at fort Ann, or any
 ‘where in New-York, is absent from New-Jersey;
 ‘and what the consequence is we need not say, thinking
 ‘the pretence of a power to do acts of government
 ‘relating to New-Jersey, at fort Ann, in New-York,
 ‘to be so manifestly absurd, as to need nothing further
 ‘to be said against it.

X

‘There

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‘There is nothing more common in the statutes
‘than the establishing fees, and we are of opinion
‘that all fees have been established by act of parlia-
‘ment; and indeed it seems to us unreasonable they
‘should be established by any other authority; for if
‘a governor, either with or without his council, can
‘appoint what sums of money shall be paid for fees,
‘he may make them large enough to defray the charge
‘of government, without the formality of an act of
‘assembly, to raise a revenue for the necessary support
‘of the same; and if it does not come up to the taxing
‘of the queen’s subjects, without their consents in
‘assembly, we are to seek what does.

‘We cannot think the clause of your excellency’s
‘instructions, which we have recited, to be so foreign
‘to the matter of fees, as your excellency says it is;
‘for the enforcing the payment of fees by any autho-
‘rity but that of the assembly’s, is taking away a
‘man’s goods otherwise than by established or known
‘laws, except the act of a governor and council be a
‘law, which we think is not, nor never intended by
‘the queen it should; nor do we think, by the instruc-
‘tions your excellency mentions, you are to establish
‘fees; but only to regulate those already appointed,
‘and to take care that no exaction was used; but if it
‘did, your excellency has convinced the world, that
‘you do not think yourself bound by the queen’s in-
‘structions, but where the law binds also.

‘As in the case of Ormston, where nothing could
‘be more positive than her majesty’s directions; yet
‘your excellency did not think yourself ministerial,
‘or by not complying with her majesty’s orders, that
‘you accused the best of queens, with commanding
‘her governor to do a thing which was not warranted
‘by law; nor never enquired, whether the refusing
‘obedience to her commands, was a fit return for the
‘many favours she had bestowed upon you; but go-
‘vern’d yourself in that singular instance as near as
‘you could by the law. The seventh clause was not
‘put in to arraign the queen’s express commands to
‘your

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‘ your excellency ; but to complain of the great hard-
 ‘ ships her majesty’s subjects lay under, by your excel-
 ‘ lency’s putting the records there mentioned, into the
 ‘ hands of Peter Soammans, who is not the proprietor’s
 ‘ recorder, nor had no express command from the
 ‘ queen to put the books into his hands ; and may in
 ‘ part answer the challenge made by your excellency in
 ‘ the last part of the next foregoing clause ; for your
 ‘ excellency had commanded the said records to be put
 ‘ into the hands of Mr. Bass, the queen’s secretary ;
 ‘ up which, application was made to her majesty,
 ‘ who was pleased to give an order in favour of the
 ‘ proprietors ; and without all peradventure, it was
 ‘ intended they should be in the hands of the proprie-
 ‘ tor’s recorder, which Mr. Thomas Gordon was at
 ‘ that time, and regularly is still, being constituted by
 ‘ the majority of the proprietors in the eastern division,
 ‘ and by your excellency sworn ; mr. John Barclay was
 ‘ also by your excellency sworn, and a proclamation
 ‘ issued in his favour ; since which Mr. Peter Soammans
 ‘ arrived from England, and upon application to your
 ‘ excellency, was by your excellency, admitted receiver
 ‘ general of the quit rents, and the proprietors records
 ‘ by your excellency put into his hands ; which, with
 ‘ submission, we think could not be done regularly by
 ‘ your excellency : For in the first place, they were
 ‘ constituted by the majority of the proprietors, whose
 ‘ servants they were, and to whom they were account-
 ‘ able, and to none else.

‘ 2. These places were the properties of Mr. Tho-
 ‘ mas Gordon and Mr. John Barclay ; and to deprive
 ‘ them of them, without due course of law, is what
 ‘ your excellency has no authority to do, nor can have.

‘ 3. Whether they were made by the greater or
 ‘ lesser part of the proprietors, your excellency was no
 ‘ ways concerned, nor had any right of determining
 ‘ in the favour of either one or other, the law being
 ‘ open to any who thought themselves aggrieved.

‘ 4. Those books and records were the properties of
 ‘ the general proprietors ; and if your excellency can
 dispossess

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‘dispossess any proprietor of them (for Thomas Gordon
‘was a proprietor) and put them into the hands of
‘another, you may by the same rule dispossess any
‘one of their goods, and give them to who you think
‘fit, and any proprietor of their property, and give
‘it to which of the proprietors you think fit, as is
‘actually done by your excellency in the case of Son-
‘mans; and was attempted with the same violence in
‘favour of Mr. Bass: It will not be a sufficient answer
‘to this, to say, Sonmans was proprietor’s agent;
‘which whether he was or was not, your excellency
‘had no right to determine to any other purpose but
‘administering an oath to him, after which he was of
‘course to be allowed; and so ought as many agents
‘as the proprietors made, who were not accountable
‘to your excellency for any procedures in the proprie-
‘tors affairs, that were not unlawful.

‘5. Sonmans neither had, nor pretended to have, at
‘that time (whatever he has done since) any right or
‘colour of right, to be the proprietors recorder, not
‘any mention being made of it in that very lame
‘commission he had; and were he to have the top of
‘his pretences, it would but to be deputy to a person in
‘England; and whether he has a right or not, is a great
‘question, and regularly only determinable at the
‘common law; but your excellency’s shorter method
‘of procedure saves disputes of that kind: If this be
‘acting according to established and known laws, not
‘repugnant to, but as agreeable as may be, to the
‘laws of England; if this be administering those laws
‘for the preservation and protection of the people,
‘we would be very gladly informed, what perverting
‘of them can be; as to the matter of fact, we aver it
‘to be truth, that Mr. Sonmans did not reside in the
‘province, had not given security for the keeping of
‘those records, as by the queen is positively directed,
‘they were carried out of the Eastern division, and were
‘produced at the supreme court at Burlington at the
‘time of our complaint.

‘Those

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‘Those things, and that gentleman’s character, are
 ‘so well known, that it is needless to offer any thing
 ‘else in justification of that reasonable request we made,
 ‘that they might be so kept as her majesty’s subjects
 ‘might have recourse to them, and in the hands of
 ‘such of whose fidelity there is no reason to doubt.

‘These, may it please your excellency, were the
 ‘grievances we complained of; and they were but a
 ‘small number of many we could with equal justice
 ‘remonstrate; and which, notwithstanding those soft,
 ‘cool, and considerate terms of false, scandalous,
 ‘and malicious, and other bitter invectives which your
 ‘excellency so often uses to the representative body of
 ‘a country; we are still of opinion, they are not imagi-
 ‘nary, but real grievances, not false, but God knows
 ‘too true; and which it was our duty, in discharge of
 ‘the trust reposed in us, to get redress’d.

‘Our sad experience has convinced us, that our
 ‘endeavours have not met with a success answerable to
 ‘what might reasonably be our expectations, and that
 ‘instead of redressing the grievances of the country,
 ‘their number is encreased: Before we enumerated
 ‘those grievances of an higher nature, and attended
 ‘with worse consequences, we first said, the treatment
 ‘the people of New-Jersey had received, was very
 ‘different from what they had reason to expect under
 ‘the government of a queen deservedly famous for her
 ‘just, equal and mild administration; that the hard-
 ‘ships they endured, were not owing to her majesty,
 ‘who they were well assured, would by no means, make
 ‘any of her subjects miserable, nor continue their mis-
 ‘fortunes were she acquainted with them, and in her
 ‘power to give them relief; but that the oppressions
 ‘they groaned under, were the unkind effects of mis-
 ‘taken power; and what these effects were, and who
 ‘the cause of them, we proceeded to shew; and if the
 ‘instances we there give, be true, it will then appear to
 ‘the world, that the expressions we have used, are the
 ‘softest could be chosen, and very far short of what
 ‘the nature of the thing could bear, and that these
 ‘bold

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‘bold accusers are a sort of creatures called honest men,
‘just to the trust reposed in them by the country, who
‘will not suffer their liberties and properties to be torn
‘from them by any man, how great soever, if they
‘can hinder it.

‘And that the reasonableness of our complaints may
‘appear the plainer, we shall consider what your excellency has said in answer, and leave it to our superiors,
‘and to all just and impartial men, whether we are not
‘a people the most abused of any of her majesty’s
‘subjects.

‘As to the first instance, your excellency does acknowledge the fact to be true, and offers the following
‘reasons to justify your conduct to the council of proprietors: The first is, that by her majesty’s directions
‘you are to allow of all such agents as the general proprietors shall appoint, such agents qualifying themselves by taking such oaths as the queen is pleased to
‘direct, and no other; that no persons under the name
‘of a council of proprietors, have ever tendered themselves to take such oaths; consequently they are not
‘capable of acting as agents.

‘2. That the council of proprietors are a people
‘pretending to act by a power derived from certain
‘persons who have no power to grant, and that this a
‘truth, viz. that they are a people pretending to act
‘by a power derived from certain persons, who had
‘no power to grant, your excellency is satisfied; besides
‘other reasons, by this in particular, that the assembly
‘have voted to put the records into the hands of Peter
‘Sonmaus, to be a grievance; whereas their not qualifying themselves is a greater grievance. To set this
‘matter in a true light, it will not be improper to produce the words of the instructions; which are as
‘follows: “You are to permit the surveyors and other
“persons appointed by the forementioned general
“proprietors of the soil of that province, for surveying
“and recording the surveys of lands granted by and
“held of them, to execute accordingly their respective
“trusts: And you are likewise to permit, and if need
‘be

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“be, to aid and assist such other agent or agents, as
 “shall be appointed by the said proprietors for that end,
 “to collect and receive the quit rents, which are or shall
 “be due unto them, from the particular possessor of
 “any tracts or parcel of land from time to time; pro-
 “vided always, that such surveyors, agents, or other
 “officers appointed by the said general proprietors, do
 “not only take proper oaths for the due execution and
 “performance of their respective offices and employ-
 “ments, and give good and sufficient security for
 “their so doing; but that they likewise take the oaths
 “appointed by act of parliament to be taken instead
 “of the oaths of allegiance and supremacy; as also
 “the test, and subscribe the forementioned association;
 “all which you are accordingly to require of them,
 “and not otherwise to admit any person into any such
 “office or employment.” After the proprietors had
 ‘surrendered their power of government, relating to
 ‘their soil, they were under a necessity of employing
 ‘persons, to survey and record the surveys of lands
 ‘granted by and held of them; and in the Eastern
 ‘division, several quit rents being due to them, there
 ‘was a necessity of having one or more agents to col-
 ‘lect and receive those rents; which persons (because
 ‘the crown intended, that the proprietors by the surren-
 ‘der of their government, should by no means be inse-
 ‘cure in their properties) your excellency was directed
 ‘not only to permit such officers to be and execute their
 ‘respective trusts, but also to aid and assist them, if
 ‘need were; and because such offices were places of
 ‘trust, both with respect to the proprietors and the in-
 ‘habitants, it was directed, that they should take pro-
 ‘per oaths, and give good and sufficient security; and
 ‘that they who enjoyed those places of trust, might be
 ‘persons well affected to the present government, there
 ‘was especial care taken, to direct, that they should
 ‘take the oaths appointed by act of parliament to be
 ‘taken, which your excellency was to require of them,
 ‘and not otherwise to admit them to execute those
 ‘trusts: From all which we observe, first, that no
 ‘agents

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‘agents are concerned in that instruction, but such as
‘were to survey and record the surveys of lands, and
‘collect the quit-rents.

‘2. That the proprietors were not limited to employ
‘a certain number of agents, but might employ as
‘many as they thought fit; all which your excellency
‘was to aid and assist if need were.

‘3. Your excellency was not to expect while they
‘tendered themselves to take the oaths appointed, but
‘to require them to take them; and upon their refusal
‘not to admit them; for it was impossible they, or any
‘else, should deem themselves bound by the queen’s
‘instructions to certain performances, except such
‘instructions had been made publick, and they made
‘acquainted with it.

‘Now in the first place, your excellency never pub-
‘lished any such instruction, nor ever did require
‘those agents called the council of proprietors to
‘comply with it by taking any oaths.

‘2. The council of proprietors are not such agents
‘as the instructions mention.

‘3. Were that instruction binding, your excellency
‘has by no means complied with it; for the surveyor
‘appointed by the proprietors of the western division,
‘has several times tendered himself to take and sub-
‘scribe according to her majesty’s directions, and
‘has been refused.

‘4. Mr. Sonmans, tho’ a bankrupt, and his
‘powers disputed, admitted to keep the records of
‘the eastern division, and that without any security;
‘and persons who were sworn to those places, and
‘employed by proprietors, and a greater number, not
‘only not permitted to act, but deprived of their
‘places (with which your lordship had nothing to do)
‘without a due course of law, forceably by your lord-
‘ship’s directions.

‘Lastly, the council of proprietors are attornies
‘to private men, for the taking care of their several
‘properties, and are neither concerned in that instruc-
‘tion, nor bound by it; if they were, we shall not
‘dispute

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'dispute how far that instruction may be a law to your
 'lordship, but we are sure 'tis so to no body else,
 'but where the laws of the land bind without it; and
 'if so, 'tis no sufficient warrant to destroy any man's
 'property, or deprive him of the use of it, without
 'the judgment of his peers; for your lordship cannot
 'but know, if you do not, the last clause of the peti-
 'tion of right will tell you, that the queen's servants
 'are to serve her according to law, and not otherwise;
 'and every gentleman of the law can inform your
 'excellency, if he pleased, that the queen's authority
 'or warrant produced (if you had done any such
 'thing) cannot justify the commission of an unlaw-
 'ful act; which this certainly must be, except the law
 'provides that no man must make an attorney but
 'with your lordship's approbation: As to the second
 'reason, to use your excellency's expressions, if we
 'could wonder at any thing your excellency has done,
 'it would be at the reason your excellency gives, as
 'much as at the action; it being a plain pretending to
 'a right of judging solely who have a right to their
 'estates, and who not, and according to that judg-
 'ment to permit them to retain or force them to part
 'with their possessions; for in the first place, that
 'matter was never brought before your lordship, and
 'what information you had (if you had any) was
 'private; and we are told no freeman can be dispossessed
 'of his freehold but by judgment of his peers, or
 'the law of the land; but here is at once a determina-
 'tion, that a number of proprietors, nigh or above
 'nine tenths of the whole, have no right to grant,
 'and accordingly they are prohibited taking up or
 'disposing of their lands; for the council of proprie-
 'tors, are all proprietors themselves, except mr.
 'Morris their president; and we can't see, but any
 'freeman, or number of freemen in the province, may
 'be dispossessed by the same measures; for 'tis but your
 'lordship's saying, the persons they had their lands
 'from, had no right to grant, and then order the pos-
 'sessors to make no further improvements, nor to dis-
 'pose

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‘pose of any of their lands; and thus conclude them
‘without the tedious formality of the old magna
‘charta way; and who is hardy enough to dispute with
‘a man that commands two provinces?

‘2. What your excellency asserts, with relation to
‘the council of proprietors, viz. that they were per-
‘sons deriving a power from those who had no
‘right to grant, is what your excellency neither did,
‘nor could know; that you did not know it, nothing
‘is more plain; because your excellency some days
‘after your lordship’s answer to our remonstrance,
‘summoned some of the council of proprietors before
‘yourself in council, and there asked them the follow-
‘ing questions, viz. First, who the late council of
‘proprietors were? Secondly, who were the present
‘council of proprietors? Thirdly, who they derived
‘their powers from? Fourthly, what their powers were?
‘By which it appears, your excellency neither knew
‘who the council of proprietors were, what their
‘powers were, nor who they derived them from;
‘which is very far from knowing whether the persons
‘who gave them those powers, had power to grant or
‘not; and that your excellency could not know, is as
‘plain; because the deeds of what proprietors are in
‘this country, you never did see; and those that are
‘in England, you could not see.

‘How your excellency is, from our voting the put-
‘ting the records into mr. Sonmans hands to be a grie-
‘vance, satisfied that the persons from whom the
‘council of proprietors derive their power, have no
‘power to grant; is very much beyond our poor capa-
‘cities to understand, and may perhaps be of the
‘number of those unanswerable objections your lord-
‘ship tells us of in your answer. To the next clause
‘your lordship justifies your proceedings with the
‘assemblymen, as being your duty; and that what
‘you did, was by virtue of the queen’s instructions;
‘how far they will justify your excellency’s conduct
‘is our next business to speak to; but in the first place
‘we are obliged to your excellency, for acknowledg-
‘ing

‘ing the matter of fact; which tho’ notoriously known,
 ‘was omitted to be entered in the journals of this
 ‘house, by your excellency’s faithful servant, mr.
 ‘William Anderson, late clerk of this house.

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‘By the queen’s instructions, not the least colour of
 ‘authority is given to your excellency, to be a judge
 ‘of the qualifications of assemblymen, so as to admit or
 ‘reject them; which is not only a direct contradiction
 ‘to the very nature and being of assemblies, but must
 ‘render the liberties, lives and properties of the people
 ‘entirely at your excellency’s disposal; which as her
 ‘majesty never intended, so without doubt she never
 ‘did intend by any instruction to make so precarious;
 ‘and how well she’ll be pleased at wresting her instruc-
 ‘tions to authorize what we are well satisfied she will
 ‘be very far from countenancing, time may inform
 ‘us: This house could not be so much wanting to
 ‘themselves, and the province they represent, as to
 ‘omit taking notice of a procedure, which tends to
 ‘destroy the very being of assemblies, by rendering
 ‘them the tools of a governor’s arbitrary pleasure, and
 ‘the enemies instead of the preservers of the liberties
 ‘of their country; and we are well assured, that no-
 ‘thing your excellency has said, will perswade the
 ‘world to believe, that your excellency or any other
 ‘governor, has that power you pretend to, or that it
 ‘can be consistent with the liberties of a free people.

‘That there were considerable sums of money raised;
 ‘that most of them were raised with intent and purpose
 ‘to give to your lordship, to procure the dissolution
 ‘of the last assembly, and procure such officers as the
 ‘contributors should approve of; that in all proba-
 ‘bility the money so raised, was given to your lord-
 ‘ship; that the assembly was dissolved; that the con-
 ‘tributors were complied with as far as could be;
 ‘that you did receive from doctor John Johnston,
 ‘two hundred pounds, upon the score of the pro-
 ‘prietors of the eastern division of New-Jersey; are
 ‘such notorious truths, that it is a vanity to deny
 ‘them; and will be believed, notwithstanding all the
 ‘force

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‘force of evasive arts to persuade to the contrary:
 ‘And since we have mentioned doctor Johnston, it’s
 ‘not amiss to enquire, whether the services you were
 ‘to do the proprietors were such as your lordship
 ‘ought, or ought not to have done; if they were such
 ‘as you ought to have done, you ought not to have
 ‘taken money for the doing of them; if they were such
 ‘as you ought not to have done, much less ought your
 ‘lordship to have taken money; and had you not been
 ‘more than ordinarily concerned in those private con-
 ‘tributions, without all peradventure would have used
 ‘all possible endeavours to have detected the thing, and
 ‘not given those publick marks of your favour to the
 ‘persons most concerned in the persuading and pro-
 ‘curing of them.

‘As to what relates to the assembly, as your lord-
 ‘ship is not accountable to this house for what reasons
 ‘you dissolved them, neither is this house to your lord-
 ‘ship for their proceedings; they acted as became a
 ‘house of representatives in the affair of Mr. Gordon,
 ‘and what they did, was not without your lordship’s
 ‘approbation; if that could add any thing to the power
 ‘they had: As to your excellency’s reflections on pri-
 ‘vate men, ’tis below the representative body of a
 ‘province to take any further notice of them, than to
 ‘do that justice to the two worthy members of this
 ‘house, as to say, they both have, and deserve better
 ‘characters than your excellency gives them; and that
 ‘the humblest application you can make to her majesty
 ‘will never induce her to grant you a power to use any
 ‘means to procure a satisfaction but what the laws
 ‘allow of, without such application: We concluded,
 ‘by acquainting your excellency, that the way to
 ‘engage the affections of a people, was to let them be
 ‘unmolested in the quiet enjoyment of those things
 ‘which belong to them of right, and should have dated
 ‘our happiness from your excellency’s complying with
 ‘so reasonable and just a desire; to which your excel-
 ‘lency replied, that you could never answer taking
 ‘advice from men, who did not know how to govern
 ‘themselves

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‘ themselves, and who have always opposed the service
 ‘ of the queen, and interest and good of their country :
 ‘ We shall wave the admirable coolness of temper, and
 ‘ considerateness of the reflection ; and say, your excel-
 ‘ lency could hardly have used plainer terms, to tell us,
 ‘ you will not let us be quiet in the enjoyment of what
 ‘ belongs to us of right ; and your excellency’s proceed-
 ‘ ings since that, has effectually convinced the world,
 ‘ that we have not put a wrong construction on your
 ‘ excellency’s expressions.

‘ Are not her majesty’s loyal subjects haul’d to goals,
 ‘ and there lie without being admitted to bail ? and those
 ‘ that are the conditions of their recognizances are, that
 ‘ if your excellency approves not of their being bailed,
 ‘ they shall return to their prisons ; several of her maje-
 ‘ sty’s good subjects forced to abscond, and leave their
 ‘ habitations, being threatened with imprisonment, and
 ‘ no hopes of receiving the benefit of the law ; when
 ‘ your excellency’s absolute will is the sole measure of
 ‘ it : One minister of the church of England, dragg’d
 ‘ by a sheriff from Burlington to Amboy, and there
 ‘ kept in custody, without assigning any reason for it,
 ‘ and at last haul’d by force into a boat by your excel-
 ‘ lency, and transported like a malefactor, into ano-
 ‘ ther government, and there kept in a garrison a pri-
 ‘ soner ; and no reason assigned for these violent proce-
 ‘ dures, but your excellency’s pleasure : Another mini-
 ‘ nister of the church of England, laid under a necessity
 ‘ of leaving the province, from the reasonable appre-
 ‘ hensions of meeting with the same treatment ; no
 ‘ orders of men either sacred or civil, secure in their
 ‘ lives, their liberties or estates : and where these proce-
 ‘ dures will end, God only knows.

‘ If these, and what we have named before, be acts
 ‘ of mercy, gentleness and good-nature ; if this be
 ‘ doing for the good, welfare and prosperity of the
 ‘ people of this province ; if this be the administering
 ‘ laws for the protection and preservation of her majesty’s
 ‘ subjects ; then have we been the most mistaken men
 ‘ in the world, and have had the falsest notion of things ;
 ‘ calling

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‘calling that cruelty, oppression and injustice, which
‘are their direct opposites, and those things slavery,
‘imprisonment and hardships, which are freedom,
‘liberty and ease; and must henceforth take France,
‘Denmark, the Muscovian, Ottoman and Eastern
‘empires, to be the best models of a gentle and happy
‘government.

‘Your excellency at last endeavours to persuade
‘the country, that the assembly, instead of protecting
‘are invading the liberties of the people; and if we
‘might have the liberty of using some of your excel-
‘lency’s cool and considerate terms, perhaps the fol-
‘lowing instances might justify those expressions; but
‘we leave that to just and impartial men, who no doubt
‘will apply them where they are most due.

‘Your excellency asserts in the first place, “You
“have presumed to take the queen’s subjects into the
“custody of the serjeant at arms, who are not members
“of your house; which you can’t lawfully do, and is
“a notorious violation of the liberties of the people.”
‘Answer: There is nothing more known, than that
‘the contrary to what your excellency says is true,
‘and hardly a session of parliament but affords multi-
‘tudes of instances, nay, several instances can be pro-
‘duced during the time of your excellency’s being in
‘the house of commons; and what your excellency
‘means by asserting a thing, which every body that
‘knows any thing, knows is not so, we can’t tell.

‘Secondly, “You have taken upon you to admini-
“ster an oath to one of your members, and have
“expell’d him from the house for refusing to take an
“oath which you could not legally administer to him;
“this is most certainly robbing that member of his
“property, and a most notorious assuming to your
“selves a negative voice to the freeholders election of
“their representatives, for which there can be no pre-
“cedent found.” Answer: We never did administer
‘an oath, (tho’ we think we have power so to do)
‘what oaths were administered were administered by
‘justices of the peace before us: We expell’d that
‘member

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‘member for several contempts; for which we are not
 ‘accountable to your excellency, nor no body else in
 ‘this province: We might lawfully expel him; and
 ‘if we had so thought fit, might have rendered him
 ‘incapable of ever sitting in this house; and of this
 ‘many precedents may be produced. We are the
 ‘freeholders representatives; and how it’s possible
 ‘we should assume a negative voice at the election of
 ‘ourselves, is what wants a little explanation to make
 ‘it intelligible.

‘Thirdly, “You have arbitrarily taken upon you
 “to command the high-sheriff of this country, to dis-
 “charge a prisoner who was in his custody at the suit
 “of one of the queen’s subjects; and he has been weak
 “enough to do it, for which he lies liable to be sued for
 “an escape, whenever the gentleman thinks fit to do it,
 “and from which you can’t protect him: this is a
 “notorious violation of the right of the subject, and
 “a manifest interruption of justice.” Answer: The
 ‘person we ordered to be discharged, was an evidence
 ‘attending by order of the house, and under the pro-
 ‘tection of this house; who were only wanting to
 ‘themselves, in not sending the high-sheriff and law-
 ‘yers to the same place, for daring to offer so publick
 ‘an affront to the representative body of a country.

‘Fourthly, “You have taken upon you to appoint
 “one of your members to act as clerk of the committee
 “of the whole house, which you have no power to do,
 “&c.” Answer: Your excellency has been so very
 ‘much mistaken in all the foregoing clauses, that we
 ‘have great reason to believe you are so in this: This
 ‘house has always, till of late, made their own clerks,
 ‘and your excellency cannot shew us any law why we
 ‘may not do it still, should we think fit to insist on it:
 ‘We have made no encroachments on her majesty’s
 ‘prerogative royal, nor never intended to do it, but
 ‘shall to our utmost, study to preserve it, and honour-
 ‘ably support her government over us, and hope your
 ‘excellency will think it for the service of the queen
 ‘to

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‘to comply with our reasonable desires; which will
‘very much encourage us so to do.

‘Divers of the members of this assembly being of the people
‘called Quakers, do assent to the matter and substance, but make
‘some exceptions to the stile.

By order of the house,

P. M. Die Veneris. 24
Octobris, 1707.

Sam. Jenings, speaker.’

CHAP. XVIII.

*Memorial of the West-Jersey proprietors residing in
England, to the lords commissioners for trade and
plantations: The lieutenant governor, with some of
the council, address the queen: The last meeting of
assembly, under Cornbury's administration: They con-
tinue their complaints: Samuel Jenings's death and
character.*

THE foregoing proceedings being by connection
necessary together, has delayed the following
memorial a little out of course as to strict order of
time: The western proprietors residing in England, had
much resented Cornbury's treatment of the inhabitants,
especially in relation to the three members being kept
out of the assembly, by which he gained a majority
devoted to his measures; and thus they complain.

‘To the right honourable the lords commissioners for
‘trade and plantations.

‘The humble memorial of the proprietors of the
‘Western division of the province of New-Jersey,
‘in America.

‘WE humbly acknowledge your lordships great
‘justice, in making the terms of our surrender of go-
‘vernment, part of the lord Cornbury's instructions
‘relating to the said province; and heartily with his
‘excellency had given us occasion of acknowledging
‘his due observation of the instruction, instead of
‘troubling

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‘troubling your lordships with a complaint of his
 ‘breach of them, which we are fully assured from
 ‘undoubted testimonies his excellency has made in the
 ‘following instances; and tho’ he endeavours to palliate
 ‘his proceedings there, by frequently and publickly
 ‘asserting, that your lordships consented to no terms
 ‘upon our surrender; yet were that as great a truth
 ‘as it is a mistake, and those instructions had been
 ‘only of grace and favour, we conceive him to be
 ‘obliged, and ourselves intitled to his punctual obser-
 ‘vation of them.

‘It is one of the terms consented to by your lord-
 ‘ships, and one of his excellency’s instructions from
 ‘your lordships: that the general assembly shall con-
 ‘sist of four and twenty representatives; two to be
 ‘chosen by the inhabitants, housholders of the city or
 ‘town of Perth-Amboy; two by the inhabitants,
 ‘housholders of the city or town of Burlington; ten
 ‘to be chosen by the freeholders of the eastern, and
 ‘ten by the freeholders of the western division; in
 ‘which election, every elector is to have one hundred
 ‘acres of freehold land in his own right, within the
 ‘division for which he shall choose; and every person
 ‘elected is to have one thousand acres of freehold
 ‘land in his own right, within the division for which
 ‘he shall be chosen.

‘This instruction, which we relied on as the chief
 ‘security of our estates in that province, his excellency
 ‘has not only violated, but has totally destroyed that
 ‘part of our constitution; and in such a manner as
 ‘will render all assemblies a meer piece of formality,
 ‘and only the tools of a governor’s arbitrary pleasure.

‘For setting which proceeding in a due light, we
 ‘must crave leave to lay before you lordships the
 ‘account we have received of it from our agent, and
 ‘other reputable persons of that province.

‘An assembly having been called and chosen, in
 ‘the year 1703, pursuant to your lordships instruc-
 ‘tions, prepared bills for settling the rights of the
 ‘proprietors and planters, and for raising a revenue
 ‘of

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‘ of thirteen hundred pounds per annum, for three
 ‘ years, (which they knew was the utmost the country
 ‘ could bear) for the support of the government ; but
 ‘ his excellency requiring a greater sum, several persons,
 ‘ our constant enemies and invaders of our proprieties,
 ‘ and who therefore opposed the bill for settling our
 ‘ rights, undertook to procure an assembly more
 ‘ obedient to his excellency’s demands ; and by that
 ‘ and other arguments, which out of regard to his
 ‘ honour, we choose to wave the mention of, prevailed
 ‘ upon him to dissolve that assembly, and to call another
 ‘ to sit in November last ; the writs were issued, and the
 ‘ election directed to be made, in such haste, that in one
 ‘ of the writs the qualifications of the persons to be
 ‘ elected was omitted, and the sheriff of one county
 ‘ not sworn till three days before the election, and
 ‘ many of the towns had not any (much less due) notice
 ‘ of the day of election ; but passing by these, and
 ‘ many other illegal artifices used by those undertakers,
 ‘ to obtain an assembly to their own humour ; we shall
 ‘ insist only upon one grand instance, which is not to
 ‘ be parrallel’d in any of her majesty’s plantations, and
 ‘ could not have been attempted without his excel-
 ‘ lency’s encouragement, nor put in practice without
 ‘ his concurrence.

‘ When this assembly was met, and attended his
 ‘ excellency in council, in order to be sworn, mr.
 ‘ Revell and mr. Leeds, (two of the governor’s
 ‘ council, and of the undertakers to procure such an
 ‘ assembly as they had promised) suspecting the strength
 ‘ of their party, objected against three of the members,
 ‘ returned, as persons not having each, one thousand
 ‘ acres of land, and therefore unqualified to serve in the
 ‘ assembly ; though these persons had such estates in
 ‘ land, and were generally known to have so, and at
 ‘ the time of their election had convinced Revell and
 ‘ Leeds, who opposed them under that pretence, of the
 ‘ truth of it ; and this objection was not examinable
 ‘ or determinable by his excellency or his council, or
 ‘ otherwise than in the house of representatives, who
 ‘ are

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‘are the only proper judges of their own members ;
 ‘yet his excellency, upon this bare suggestion of Revell
 ‘and Leeds, refused to swear these members, and ex-
 ‘cluded them from sitting to serve their country ;
 ‘this attempt was seconded by another trick of Revell
 ‘and Leeds, who immediately sent the following note
 ‘to the house of representatives.

‘To the honourable the house of representatives,

‘Gentlemen,

WE underwritten, supposing we had good reason
 ‘to charge three of the persons returned to serve as
 ‘representatives in this general assembly ; but upon
 ‘due consideration find it difficult to come to a true
 ‘determination thereof, until we can by further enquiry
 ‘find the truth of what we have been informed of ;
 ‘we therefore humbly desire fourteen days time further,
 ‘that we may be able more fully to inform this house
 ‘therein, which we humbly suppose at present cannot
 ‘reasonably be expected from us ; we subscribe ourselves
 ‘your humble supplicants, THOMAS REVELL.
 ‘Nov. 15, 1704. DANIEL LEEDS.’

‘The counties for which they were chosen to serve
 ‘expressed a great dissatisfaction at the exclusion of
 ‘their members ; and these and several other represen-
 ‘tatives deliver’d an address to his excellency, for
 ‘having them admitted to their right ; which met with
 ‘no other reception, than being called a piece of inso-
 ‘lence and ill manners.

‘By this exclusion of three members, and the con-
 ‘tempt of the address for their admission, the under-
 ‘takers gained a majority by one in the house of
 ‘representatives, who adjourned the hearing of this
 ‘case, until they had reaped the fruits of their iniquity,
 ‘and accomplished the ends for which it was contrived ;
 ‘for whilst this case was depending, a bill for taking
 ‘away the qualifications of electors and the elected,
 ‘and placing the right of choosing and being chosen
 ‘in the freeholders generally, without any express value
 ‘of their estates, was prepared and pass’d, wherein
 ‘there

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‘there is this remarkable and self-condemning declaration of his excellency’s proceedings, viz. that representatives met in general assembly are and shall be the judges of the qualifications of their own members.

‘After this and one other act, which we shall hereafter take notice of in its proper place, were passed, a day of hearing was allowed to the three excluded members, and notice of it given to Revell and Leeds, who would not vouchsafe to appear, but having already obtained their ends, graciously signified by a message, their mistake in their objection to those members.

‘The house proceeded in the inquiry, and by deeds and other authentick proofs, was so fully satisfied of the estates of the excluded members, and that Revell and Leeds had been convinced thereof, at the time of their elections, that the house unanimously declared them duly qualified, and sent two of their body to acquaint his excellency of it, and to pray they might be sworn; but his excellency, whether out of a desire of assuming the glory of his arbitrary proceeding wholly to himself, or of making the country sensible that notwithstanding the act so lately passed, declaring the house judges of their own members; he was resolved to exercise that power for the future; or for what other reason we know not, told those messengers he must be satisfied of their qualifications, as well as the house; and still keeps them out of the assembly.

‘This we conceive to be the assuming a negative voice to the freeholders election of their representatives; and such an invasion of the rights of the assembly, as will, if tolerated or connived at, place the whole legislature in the governor; for if he can, at his pleasure, reject three representatives, he may reject all, and make what laws he thinks fit without the formality of an assembly; but if this notorious violation of our constitution had not been made by him, and the assembly had consisted of it’s full proportion of duly elected members; we conceive, and are advised, that his excellency had no authority, nor any probable colour from his instructions for
‘passing

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‘ passing this act; for though the instruction relating
 ‘ to the election of general assemblies, allows an alteration by act of assembly, of the number of the
 ‘ representatives, and the manner of their being elected;
 ‘ it leaves no power to the general assembly to alter the
 ‘ qualifications of the electors or elected; which was
 ‘ intended to be a standing and unalterable part of the
 ‘ constitution, as most agreeable to the constitution of
 ‘ England, where the electors of knights of the counties must have a certain fixed freehold; and the elected are generally the principal landed men of their
 ‘ respective counties; but the alteration now made,
 ‘ was intended to put the election of representatives
 ‘ into the meanest of the people, who being impatient
 ‘ of any superiors, will never fail to choose such from
 ‘ amongst themselves, as may oppress us, and destroy
 ‘ our rights.

‘ It is another term of our surrender, and an instruction
 ‘ to his excellency, that no act should be made to lay a
 ‘ tax upon unprofitable lands; but his excellency has
 ‘ encourag’d and assented to a bill in this last assembly, for
 ‘ taxing (without distinction) all lands belonging to the
 ‘ inhabitants there, and to all others not inhabiting there
 ‘ who have settled any plantations, either by tenants, servants or negroes; it is objection enough to this act, that
 ‘ there is no other colony in America wherein uncultivated
 ‘ lands are taxed; and as this act was intended, so none
 ‘ more effectual could have been contrived, to prejudice
 ‘ the country in general, or the proprietors in particular; for if any man who has a thousand or more acres
 ‘ of land, which he can neither manure nor sell (as
 ‘ most of the first planters have) he must pay a tax for
 ‘ this land, which may eat up the greatest part of the
 ‘ profit of what he can and does cultivate; or he must
 ‘ desert the whole; and if we, who have great tracts of
 ‘ land of many thousand acres to sell, leat or settle
 ‘ but a few acres to maintain our agents or servants,
 ‘ we must pay a tax for all the residue which yields us
 ‘ nothing: In consequence of this act several persons
 ‘ who had agreed with our agent for lands, have
 ‘ renounced

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‘renounced their bargains, and removed into other
‘countries, where they can purchase great tracts of
‘land, preserve them for their posterity to settle on;
‘and we, unless relieved from this oppression, must
‘deliver up our lands or our purses: This tax is im-
‘posed by the act passed in the assembly for raising a
‘revenue of two thousand pounds per annum, for two
‘years, for the support of her majesty’s government
‘within that province; and we have great reason to be-
‘lieve it to be part of the return promised by the under-
‘takers to his excellency, for his dissolving the former
‘assembly, and curtailing the last of three members.

‘It is another term of our surrender, and an instruc-
‘tion to his excellency, that the surveyors and other
‘persons appointed by us, for surveying and recording
‘the surveys of land granted and sold by us, shall be
‘permitted to execute their trusts; but his excellency
‘has taken upon him, even contrary to the advice of
‘his council, to appoint fees for patenting lands; which
‘has created an opinion in the people, that the power of
‘granting lands is in him, has lessened the credit of
‘our title to lands, and encouraged the planters to dis-
‘pute our right.

‘His excellency has ordered all publick books,
‘records and papers, to be delivered by our late secretary
‘to mr. Bass, our great debtor, and therefore our
‘avowed enemy, and has carried our records of deeds
‘and conveyances out of the province; by this method
‘the proprietors of both the divisions are deprived of
‘all means to justify their past administration of the
‘evidences of their grants of lands to the purchasers
‘under them, (all the surveys and patents being
‘recorded in those books) and will destroy the office of
‘our register, or at least will disable him to perform
‘his duty in some cases; which by acts of general assem-
‘bly he is obliged to do.

‘It is a further term of our surrender, and instruc-
‘tions to his excellency, that all officers be appointed
‘by advice of the council; but his excellency has con-
‘stituted several officers without such advice, and par-
‘ticularly

‘ticularly a sheriff of Burlington, who was therefore
 ‘suspended by order of council, and yet continued to
 ‘act under his lordship’s appointment.

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‘We are further informed, that his excellency hath
 ‘put several mean and contemptible persons into the
 ‘commission of the peace, particularly one *****
 ‘whom he knew to be under prosecution for felony;
 ‘and has given commissions in the militia to others,
 ‘who have no estate in the province, and therefore
 ‘are not like to be zealous in the defence of it.

‘It is matter of some wonder to us, that after so
 ‘many acts of despotic power, his excellency did not
 ‘assume to himself, or obtain from the last assembly,
 ‘an authority of licencing any persons to purchase
 ‘lands from the Indians; but condescends to apply to
 ‘your lordships, for an alteration of his instructions
 ‘in that particular; there wants only the breach of this
 ‘instruction to compleat the ruin of our interests in
 ‘New-Jersey, and we humbly hope your lordships will
 ‘not enable him to give that finishing stroke: This
 ‘instruction, founded upon the right which the crown
 ‘of England claims by the law of nations, to all coun-
 ‘tries discovered by English subjects, was intended to
 ‘assert that right against the pretences of many plan-
 ‘ters, who set up the Indians title in competition with
 ‘it; and if that right be taken from the grantees of the
 ‘crown, all patents and grants of the whole main land
 ‘of North-America, have been only roval frauds, under
 ‘the sanction of the great seal of England, and no
 ‘man will ever after purchase lands under that title.

‘His excellency was lately so fully satisfied of the
 ‘policy and reasonableness of asserting this right to the
 ‘crown and its grantees, that in the year 1703, he
 ‘recommended, and assented to an act of assembly, for
 ‘restraining all persons besides the proprietors, from
 ‘purchasing lands from the Indians, under great penal-
 ‘ties; and for vacating all such purchases formerly
 ‘made, unless the purchasers took a fresh grant from
 ‘the proprietors; of which act we humbly pray your
 ‘lordships perusal.

‘We

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‘We are purchasers for ready money, under a grant
‘from king Charles the second, and are willing to sell
‘our lands and the Indians title to it, at reasonable rates,
‘according to the goodness of the soil and situation,
‘and ought not to be compelled to accept a quit-rent
‘(much less a quit-rent to be let by other persons than
‘ourselves as his excellency proposes) instead of selling
‘for ready money; nor ought our properties to be at
‘the disposal of a governor: ’Tis not the want of a
‘power in the planters to purchase lands from the Indi-
‘ans, but the taxing of uncultivated lands, and over-
‘turning the constitution for assembly-men, that has
‘occasioned those persons mentioned by his excellency,
‘to remove to Pennsylvania and other colonies.

‘May it please your lordships,

‘The usage we have received from his excellency, is
‘so contrary to the terms of our surrender of govern-
‘ment, to the assurances we had from your lordships,
‘of the due observance of them, and to the plain in-
‘structions given by your lordships to his excellency;
‘that we humbly hope, it will not be thought any
‘immodesty or want of duty in us, to protest, as we do
‘protest against all the proceedings of the last assembly,
‘wherein by the arbitrary exclusion of three members
‘without any just exception, the country was not duly
‘represented, and to beg your lordships intercession
‘with her majesty, that the acts passed in that assembly
‘may not be confirmed by her royal assent.

‘We further pray, that colonel Lewis Morris, who
‘has been a second time suspended from his place in
‘council, by his excellency, only for using the free-
‘dom which every member of the council is entitled to,
‘and ought to exercise, of opposing any bill brought
‘before them, if he conceives it prejudicial to the in-
‘terest either of the country in general, or of any par-
‘ticular persons, may be restored; and that your lord-
‘ships will please to place in the room of such as are dead,
‘some of the persons following, viz Mr. Miles Foster,
‘mr. Richard Townley, mr. Hugh Huddy, mr. William
‘Hall and mr. John Harrison, who are men of known
‘integrity

‘integrity and estates; and as a further security of our
 ‘estates there, and that no persons may at any time be
 ‘admitted of the governors council, or to be in the
 ‘commission of the peace, or of the militia, but such
 ‘who have real estates in the province suitable to their
 ‘stations, and who reside there.

‘Signed by Thomas Lane, Paul Dominique, John
 ‘Bridges, Rob. Mitchel, Tho. Burrow, Fra. Mitchel,
 ‘Eben. Jones, Jos. Broosbank, John Norton, Jo.
 ‘Bennet, E. Richier, Tho. Skinner, Rich. Greena-
 ‘way, Jos. Collins, Cha. Mitchel, Jos. Micklethwait,
 ‘Tho. Lewes, Wm. Snelling.

Two days after Cornbury had refused to receive the
 assembly’s *reply*, he sent for them, and though several
 important bills were unfinished, adjourn’d the house
 to the spring next year: Not receiving the reply in
 form, he escaped the necessity of attempting to clear
 up what he could not do with justice or equity: Some
 of the glaring facts still confirm’d the truth of the
 charges against him, he thought he had a more effec-
 tual way of dealing: that was, to lodge a complaint
 with the queen; accordingly by an underhand artifice,
 his trusty friend the lieut. governor Ingoldsbey, with
 some of the council, signed and privately transmitted
 an address, as follows.

‘To the Queen’s most excellent majesty,
 ‘The humble address of the lieutenant governor and
 ‘council of Nova-Cæsaria or New-Jersey, in
 ‘America.

Address
 to the
 Queen

‘May it please your majesty;
 ‘We the lieutenant governor and council of your
 ‘majesty’s province of Nova-Cæsaria or New-Jersey,
 ‘having seriously and deliberately taken into conside-
 ‘ration the proceedings of the present assembly or
 ‘representative body of this province, thought our
 ‘selves bound, both in duty and conscience, to testify
 ‘to your majesty, our dislike and abhorrence of the
 ‘same

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‘same; being very sensible, that the unaccountable
 ‘humours and pernicious designs of some particular
 ‘men, have put them upon so many irregularities, with
 ‘intention only to occasion divisions and distractions,
 ‘to the disturbance of the great and weighty affairs
 ‘which both your majesty’s honour and dignity as
 ‘well as the peace and welfare of the country required;
 ‘their high encroachments upon your majesty’s prerogative royal; notorious violations of the rights and
 ‘liberties of the subjects; manifest interruptions of
 ‘justice, and most unmannerly treatment of his excellency the lord Cornbury, would have induced us
 ‘sooner to have discharged our duty to your majesty,
 ‘in giving a full representation of the unhappy circumstances of this your majesty’s province and
 ‘government; had we not been in hopes that his excellency the lord Cornbury’s full and ample answer
 ‘to a most scandalous libel, called the remonstrance
 ‘of the assembly of Nova Cesaria or New-Jersey,
 ‘which was delivered to the governor by the assembly
 ‘at Burlington in May last, would have opened the
 ‘eyes of the assembly, and brought them back to their
 ‘reason and duty; but finding that those few turbulent and uneasy spirits in the assembly, have still
 ‘been able to influence and amuse the judgments of
 ‘many well-meaning men in that body; as appears
 ‘by another late scandalous and infamous libel, called,
 “The reply of the house of representatives of the
 “province of New-Jersey, to an answer made by his
 “excellency Edward viscount Cornbury, governor of
 “the said province, to the humble remonstrance of
 “the aforesaid house:” We are now obliged humbly
 ‘to represent to your majesty, the true cause, which we
 ‘conceive may lead to the remedy of these confusions.

‘The first is owing to the turbulent, factious, uneasy, and disloyal principles of two men in that
 ‘assembly, mr. Lewis Morris, and Samuel Jenings, a
 ‘quaker; men notoriously known to be uneasy under
 ‘all government; men never known to be consistent
 ‘with themselves; men to whom all the factions and
 ‘confusions

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‘confusions in the government of New-Jersey and
 ‘Pennsylvania for many years are wholly owing;
 ‘men that have had the confidence to declare in open
 ‘council, that your majesty’s instructions to your
 ‘governors in these provinces, shall not oblige or bind
 ‘them, nor will they be concluded by them, further
 ‘than they are warranted by the law, of which also
 ‘they will be the judges; and this is done by them,
 ‘(as we have all the reason in the world to believe)
 ‘to encourage not only this government, but also the
 ‘rest of your governments in America, to throw off
 ‘your majesty’s royal prerogative, and consequently
 ‘to involve all your dominions in this part of the
 ‘world, and the honest, good and well-meaning people
 ‘in them, in confusion, hoping thereby to obtain
 ‘their wicked purposes.

‘The remedy for all these evils, we most humbly
 ‘propose, is, that your majesty will most graciously
 ‘please to discountenance those wicked designing men,
 ‘and shew some dislike to this assembly’s proceedings,
 ‘who are resolved neither to support this your majesty’s
 ‘government by a revenue, nor take care to defend it
 ‘by settling a militia: The last libel, called “the reply,
 ‘&c.” came out so suddenly, that as yet we have not
 ‘had time to answer it in all its particulars; but do
 ‘assure your majesty it is for the most part false in fact,
 ‘and that part of it which carries any face of truth,
 ‘they have been malicious and unjust in not mentioning
 ‘the whole truth; which would have fully justified my
 ‘lord Cornbury’s just conduct.

‘Thus, having discharged this part of our duty,
 ‘which we thought at present incumbent upon us, we
 ‘beg leave to assure your majesty, that whenever we
 ‘shall see the people of this province labour under any
 ‘thing like a grievance; we shall, according to our
 ‘duty, immediately apply to the governor, with our
 ‘best advice for the redress of it; and we have no
 ‘reason yet to doubt of a ready compliance in him;
 ‘we shall not be particular, but crave leave to refer
 ‘to his excellency’s representation of them to the right
 ‘honourable

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‘honourable the lords commissioners for trade and
‘plantations.

‘The strenuous asserting of your majesty’s prerogative
‘royal, and vindicating the honour of your governor
‘the lord Cornbury, will in our humble opinion, be
‘so absolutely necessary at this juncture, that without
‘your so doing, your majesty will find yourself deceived
‘either in expectation of a revenue for support of the
‘government, or militia for its defence.

‘In hopes your majesty will take these important
‘things into your consideration, and his excellency the
‘lord Cornbury, with all the members of your majesty’s
‘council, into your royal favour and protection;
‘we shall conclude with our most fervent prayers to
‘the most high, to lengthen your days, and encrease
‘your glories; and that ourselves in particular, and all
‘others in general, who reap the benefit of your majesty’s
‘most gentle and happy government, may be,
‘and ever continue the most loyal and dutiful of subjects
‘to the most glorious and best of queens.

‘*Rich. Ingoldshy, William Pinhorne, R. Mompeson,*
‘*Thomas Revell, Daniel Leeds, Daniel Coxe, Richard*
‘*Townley, Rob. Quarry, William Sandford.*

1708.

T. Gordon,
speaker.

On the 5th of the month called May, this year, the assembly met at Burlington: Jennings their speaker being indisposed, Thomas Gordon was chose to succeed him: They received the speech; and delivered their address the 12th; which containing the old story of grievances, so displeased the governor, that he immediately adjourn’d them to the September following, to meet at Amboy, but in the interval dissolved them; and being himself soon after superseded, he met them no more; the business of the last session began by his telling them in his speech.

Assembly
dissolv’d.

Speech.

It was the great desire he had to see the service of the queen, and good of the province carried on, supported and provided for, that induced him to call them
‘together

together ; to prepare and pass such laws as were proper ; and that he might not be wanting in his duty, he should point out what he thought required their immediate notice ; the first was a bill for support of government ; that the revenue the queen expected was £. 1500, per annum, to continue 21 years ; next the reviving or re-enacting the militia bill, which was likely soon to expire ; that he had every session since he had been governor, recommended the passing a bill or bills for confirming the right and property of the soil of the province to the general proprietors, according to their respective rights and titles ; as also to settle and confirm the particular titles and estates of all the inhabitants of the province, and others, claiming under the proprietors ; that he was still of opinion, such a bill would best conduce to the improvement, as well as peace and quiet of the province ; that he had last year recommended the passing of bills for erecting and repairing prisons and court houses in the different counties, the building of bridges in places where they were wanting, by general tax ; and as late experience had taught the necessity of settling the qualifications of jurymen, he desired they would prepare bills for these purposes ; and revive such of the acts of assembly passed in the time of the proprietary government as would be of use, that they might be presented for the queen's approbation.

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The assembly in their address on this occasion, declare, they then were, and always had been ready and desirous to support the government to the utmost of their poor abilities ; that they were heartily sorry for the misunderstanding between the governor and them ; that about twelve months ago they had humbly represented to him, some of the many grievances their country laboured under ; most of which they were sorry to say, yet remained, and daily increased ; that

Assembly's
address.

they

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they found the queen's good subjects of the province were continually prosecuted by informations, upon frivolous pretences, which rendered that excellent constitution of grand juries useless; and if continued, would put it in the power of an attorney general, to raise his fortune upon the ruin of his country.

That they found it a great charge to the country, that juries and evidences were brought from remote parts of the province, to the supreme courts at Burlington and Amboy; that it was a great grievance that the practice of the law was so precarious, that innocent persons were prosecuted upon informations, and actions brought against several of the queen's subjects, in which the gentlemen licensed to practice the law, were affraid to appear for them; or if they appeared, did not discharge their duty to their clients, for fear of being suspended, without being convict of any crime deserving it, or reason assigned; as was done at Burlington, in May last, to the damage of many of the queen's good subjects.

That they found the representatives of this her majesty's province so slighted, and their commands so little regarded, that the clerk of the crown had refused to issue a writ for the electing a member wanting in their house; they hoped he would consider, and remove these and many other inconveniencies and grievances that the province labor'd under; which would enable them to exert the utmost of their abilities, in supporting her majesty's government, and would make them happy under the mild and meek administration of a great and glorious queen; that they doubted not, were her majesty rightly informed of the poverty and circumstances of their country, and that their livelyhoods depended upon the seasons of the year; their most gracious sovereign would pity their condition, and never expect the settlement of any support of government, further than from one year to another.

That

That they found the present militia bill so great a grievance to their country, they could never think of reviving or re-enacting it, as it now was ; though they were heartily willing to provide for the defence of their country, which they hoped might be done with greater ease to the people ; that they had been, and still were endeavouring to answer her majesty's commands, in confirming the right and property of the soil of the province to the general proprietors, according to their respective rights and titles ; and likewise to confirm and settle the particular titles and estates of all the inhabitants, and other purchasers, claiming under the proprietors ; but tho' they had several times met in general assembly, they had not opportunity to perfect it ; they acknowledge the favour of being put in mind of providing prisons, court-houses, and bridges, where such were wanting, which they should take into consideration.

That they had a bill for settling the qualifications of juries, prepared last sitting at Amboy, and should now present it ; and thanking him for reminding them of reviving their former laws ; say, they had before appointed a committee for that end ; but were impeded by Bass, the secretary, positively refusing to let them have the perusal of them ; and that as they had always used their utmost endeavour in the faithful service of the queen, and for the benefit of the country ; so they should still continue to do it with all the dispatch they were capable of.

Here we part with lord Cornbury's administration. *q.*

Here

Lord
Cornbury.

q. At a council held at Amboy, 28th of March, 1708. The petition of Edward Viscount Cornbury, late governor of this province ; setting forth, that he had due to him, sundry sums of money, for which he desired warrants, to enable him, if the revenue of this province was not able to pay the same, he might demand the same of her majesty, was read, and dismissed.

Lord

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S. Jenings's
death and
character.

Here also we part with his opponent S. Jenings; his indisposition continued about twelve months, and then finished his life: His many services have occasioned him to be often mentioned: His profession of religion was that of the people called quakers; he was early an approved minister among them, and so continued to his death; common opinion, apt to limit this sphere of action, will however allow general rules to have their exceptions, as instances now and then, though perhaps but rarely, occur, where variety of talents have united in the same individual, and yet not interfered; such, the accounts of those times (stripp'd of the local uncertainties of faction and party) tell us, was the circumstance with regard to Jenings; that his authority, founded on experienc'd candour, probity, and abilities, enlarged opportunities, rendered him not
in

'Lord Cornbury, (says a writer, well inform'd in his character) 'was no less obnoxious to the people of New-Jersey, than to those 'of New-York: The assembly of that province, impatient of his 'tyranny, drew up a complaint against him, which they sent home 'to the queen.

'Her majesty graciously listened to the cries of her injur'd subjects, divested him of his power, and appointed lord Lovelace in 'his stead; declaring, that she would not countenance her nearest 'relations in oppressing her people.

'As soon as my lord was superceded, his creditors threw him 'into the custody of the sheriff of New-York; and he remained 'there till the death of his father, when succeeding to the earldom 'of Clarendon, he returned to England.

'We never had a governor so universally detested, nor any who 'so richly deserved the publick abhorrence; in spite of his noble 'descent, his behaviour was trifling, mean and extravagant.

'It was not uncommon for him to dress himself in a woman's 'habit, and then to patrol the fort in which he resided; such 'fraks of low humour exposed him to the universal contempt of 'the people; but their indignation was kindled by his despotic 'rule, savage bigotry, insatiable avarice and injustice, not only to 'the publick, but even his private creditors; for he left some of 'the lowest tradesmen in his employment unsatisfied in their just 'demands.' *Hist. of New-York*, p. 116.

He died in 1723. See notes in the *Art. Law. Hyde, E. of Rochester, Biogr. Brit.*

in one capacity or to one society only, but generally useful: It is mentioned, that he was of an obliging, affectionate disposition, yet of a hasty warm temper; that he notwithstanding managed it with circumspection and prudence, so that few occasions escaped to the disadvantage of his character, or of any cause he engaged in; that he saw the danger to which his natural impetuosity exposed him; knew his preservation lay in a close attention to his cooler prospects, and diligently guarding in that spot, experienced the benefit in many trying events; that his integrity and fortitude in all stations, were acknowledged; that his judgment was the rule of his conduct, and by what can now be gathered, this seems to have been but seldom injudiciously founded; that alive to the more generous emotions of a mind form'd to benevolence and acts of humanity, he was a friend to the widow, the fatherless and the unhappy; tender, compassionate, disinterested, and with great opportunities left but a small estate; that abhorring oppression in every shape, his whole conduct discover'd a will to relieve and befriend mankind, far above the littleness of party or sinister views; that his sentiments of right and liberty, were formed on the revolution establishment, a plan successfully adapted to the improvement of a new country, or any country; that he was notwithstanding all this sometimes thought stiff and impracticable, but chiefly on account of his political attachments; yet that there were instances, where better knowledge of his principles, and the sincerity with which he acted, totally effaced those impressions, and left him friends where none were expected: Much of his time, we have seen, was long devoted to the publick, with a will to be useful, occasions were not wanting; West-Jersey and

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Pennsylvania,^r and New-Jersey after the surrender, for near twenty eight years successively, were repeated witnesses of his conduct in various capacities; he studied peace, and the welfare of mankind; but in some instances met with ungrateful returns; and tho' his endeavours did not altogether succeed to his mind, he survived personal accusation, in a great measure, with respect to himself; and as to the publick, just lived long enough to see it emerging from an unpromising state of litigation and controversy, to more quiet than had been known for many years: His three daughters, (who were all the children he left) intermarried with three brothers, of the name of Stephenson, whose posterity now reside in New-Jersey and Pennsylvania.^s

In the latter end of this year was a new return of members of assembly; their names were, For the Eastern division: Thomas Gordon, speaker; Thomas Farmer, Elisha Parker, John Royse, John Harrison, Benjamin Lyon, Gershom Mott, Elisha Lawrence, John Trent, William Morris, Enoch Machelsen, --- Eldridge. For the Western division, Thomas Gardiner, Thomas Raper, Hugh Sharp, Nathaniel Cripps, John Kay, John Kaighn, Richard Johnson, Nathaniel Breathing, Hugh Middleton, John Lewis: This assembly met, but upon the new governor's arrival, was dissolved.

^r. He lived some years, and bore several important offices in Pennsylvania.

^s. See p. 124, 295.



CHAP. XIX.

Lord Lovelace arrives governor: Convenes a new assembly; they apply to him for a hearing on the subject of the lieutenant governor and council's application to the queen: His death; is succeeded by the lieutenant governor Ingoldsby: The first paper currency: Arrival of governor Hunter: A short account of the first expedition to Canada: A new assembly chosen; their first session in Hunter's time.

JOHN Lord Lovelace, baron of Hurley, being appointed to succeed lord Cornbury; he summoned the council to meet him at Bergen, December 29, 1708, published his commission, and met a new assembly in the spring, at Perth-Amboy, and informed them by speech: A. D.
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That he was very sensible of great difficulties attending the honorable employment in which her majesty had placed him, and he hoped they would never fail to assist him to serve the queen and her people; that her majesty had shewn, in the whole course of her reign (a reign glorious beyond example) how much she aim'd at the good and prosperity of her people; having with indefatigable pains united her two kingdoms of England and Scotland, and continued the same application to unite the minds of all her subjects; that this was her great care, and ought to be the care of those whom she deputed to govern 1709. Speech.

t. For the Eastern division: Elisha Lawrence, Capt. Price, G. Mott, --- Shepard, J. Johnston, T. Gordon, J. Harrison, Tho. Fitzrandolph, Geo. Duncan, John Trent, Lw. Vanbuskirk.

Western division: John Kay, speaker, P. Fretwell, J. Knighu, H. Sharp, T. Lambert, John Lewis, Samuel Smith, --- Dennis, Jacob Spicer, Robert Wheeler, William Bustill.

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govern the distant provinces, not happy enough by situation to be under her more immediate government; that as he could not set before him a better pattern, he should endeavour to recommend himself to them, by following as far as he was able, her example; that he should not give them any just cause of uneasiness, under his administration, and hoped they would bear with one another; that past differences and animosities ought to be buried in oblivion, and the peace and welfare of the country alone, pursued by each individual; that her majesty would not be burthensome to her people; but there being an absolute necessity that the government be supported, he was directed to recommend that matter to their consideration; that they knew best what the province could conveniently raise for it's support, and the easiest methods of raising it; that the making a law for putting the militia on a better footing than it at present stood, with as much ease to the people as possible, required their consideration; that he should always be ready to give his assent to whatever laws they found necessary, for promoting religion and virtue; for the encouragement of trade and industry, and discouragement of vice and prophaneness, and for any other matter or thing relating to the good of the province.

Assembly's
address.

The assembly, in their turn, told the governor by address; that they esteemed it their great happiness, that her majesty had placed a person of so much temper and moderation over them, and made no question he would surmount every difficulty with honour and safety.

That her majesty's reign would make a bright leaf in history; that it was the advantage of the present, and would be the admiration of future ages, not more for her success abroad, than prudence at home; that
'tho'

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tho' their distance had and might sometimes be disadvantageous to them, yet they experienced the effect of her princely care, in putting an end to the worst administration New-Jersey ever knew, by sending *him*, whose government would always be easy to her majesty's subjects here, and satisfactory to himself, whilst he followed so great and good an example.

That they had no animosities with one another, but firmly agreed to do themselves and their country justice; that they were persuaded none that deserved publick censure, would have a share in his esteem; and doubted not of meeting with his hearty concurrence in every measure, that conduced to peace and good order.

That they should support the government to the utmost of their abilities, and most willingly so at a time when they were freed from bondage and arbitrary encroachments, and were convinced that vice and immorality would no more receive the publick countenance and approbation.

They assured him, all his reasonable desires would be commands to them; and promised it should be their study to make his administration as easy and happy as they could.

The session lasted a month, in which business went on with unusual smoothness; the assembly obtained from the governor, a copy of the address (before inserted) from the lieutenant governor and council, to the queen, in 1707; they thanked him for the favour, and requested he would desire the lieutenant governor, and all that signed the address, to attend him at such time as he thought fit to appoint, to prove their allegations; and that the house might have leave to be present, and have opportunity of making their defence, in order to clear themselves from such imputations.

The governor shewed a ready inclination to grant this request, and appointed a day for a hearing; but by
the

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the artifices of those concerned, it was evaded from time to time: Whether they at last gain'd their point, does not appear.

Most of the inhabitants of New-Jersey, now pleased themselves with the prospect of happy times: With a change of governors followed a change of measures and favourites; impartiality and candour succeeded trick and design; the tools of the former administration having nothing but the protection of that to support them, sunk into neglect.

It was Cornbury's weakness to encourage men that would flatter his vanity, and trim to his humours and measures; these were sure of his favours; but the case was otherwise now: Such of the former favourites as yet continued in the council, were not without their share of disesteem; even the confidence which had been usually put in that board, on passing the support bill, was discontinued: The assembly declaring to Lovelace, that tho' they had an entire confidence in his justice and prudence, respecting the disposition of the money for support of government, they *had not that confidence in the gentlemen that were now of her majesty's council*; and that this was the reason they had altered the former method; and therefore requested he would favourably represent it to the queen in their behalf.^u

The

^u. The law regulating the qualification of representatives to serve in general assembly, now passed, is yet in force; the substance of this and the additional one passed at a different session, but in the same year, is, that every voter shall have 100 acres of land in his own right, or be worth £. 50 current money; that the persons elected, shall have 1000 acres in his own right, or be worth £. 500 current money, in personal estate; that the representatives and electors shall be freeholders, and have estates sufficient to qualify him or them in the division where electing or chosen; that the house of representatives shall be judges of the qualification of their members; that the same forfeitures shall attend undue returns as in England; and that no person shall be chosen a representative, who with his family, does not reside in the province. See also the laws of 1725 and 1730. Vol. 1, p. 142, 195.

The difference of these administrations will appear on a short comparison.

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The first on the subject of a support, makes use of the following expressions: 'That I may not be wanting in my duty in the station the queen has been pleased to honour me with; I shall put you in mind of those things, which I think ought to be immediately provided for; the first of which is providing a revenue for the support of government; the revenue which the queen expects is fifteen hundred pounds a year, for one and twenty years.'

Lord Lovelace, ten months afterwards, upon the same occasion, speaks as follows: 'Her majesty would not be burthensome to her people, but there being an absolute necessity that the government be supported; I am desired to recommend that matter to your consideration; you know best what the province can conveniently raise for its support, and the easiest method of raising it.'

Hence may be seen, that the inhabitants had some reason to promise themselves more happy times than heretofore; but to their great disappointment, lord Lovelace died within a few days afterwards, and the administration devolved on the lieutenant governor Ingoldsby, who laid before the assembly the design of the crown, respecting an expedition against Canada, under the colonels Nicholson and Vetch; they immediately voted £. 3000, for the service, by an emission of paper bills of credit, but did not now pass the bill.

Lord
Lovelace
dies.

The lieutenant governor adjourned them for a few weeks, and then told them, he had given them another opportunity of doing their duty to her majesty, and what their country required at their hands.

Lieutenant
governor's
speech.

That he found in their votes at last sitting, a resolve for raising £. 3000, for her majesty's service; that this was now become a debt, and they had only to consider
of

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of ways and means of raising it; and that a proper application was made for the paying of their quota of men appointed for reducing Canada.

First pa-
per mo-
ney.

The assembly prepared three bills, one for raising £. 3,000.^x another for enforcing its currency, and a third for the encouragement of volunteers, going on the Canada expedition; these bills having received the governor's assent, the house was adjourn'd to the first of November, to meet at Burlington; in November they met accordingly, but deferred business till December, when they sat ten weeks, passed 18 bills, were then adjourn'd, and afterwards prorogued from time to time, till dissolved by governor Hunter, in 1710.^y

It

^x. Here began the paper currency in New-Jersey: The care of the legislature respecting it, in this and all the succeeding emissions being to render the funds for sinking, according to the acts that created it, secure, and to prevent the currency failing in value; by changing the bills as they became ragged and torn, and allowing no re-emissions on any other account whatsoever; it has thence from the beginning, preserved its credit, and proved of great service to the proprietors, in the sale of their lands, and to the settlers, in enabling them to purchase and contract, and pay English debts, and go on with their improvements; the securities when issued on loan, were double the value in lands, or treble in houses, and five per cent. interest; but now (1765) there is none current on this footing: The funds for sinking by tax the money created for the expedition and other purposes, are mortgages (secured in the acts that make the respective emissions) on the estates real and personal, in the province; hence they are secured as firmly as the province itself; they are a legal tender to all the inhabitants in the province, and elsewhere, but not to others, except while in the province: The remittances of this province to England, being chiefly from New-York and Philadelphia, and the bills no legal tender there, they can never operate to the prejudice of English debts; let exchange be as it may, because none there are obliged to take them; this is a particularity only belonging to the state of trade, of New-Jersey, and renders a paper currency there, free from the objections usually made against it in England.

^y. For a few months before governor Hunter's arrival, William Pinhorn, as president of the council, exercised the office of commander in chief.

It was in the latter end of the year 1708, that col. Vetch first applied to the court of Great-Britain, for sea and land forces, to reduce Canada; he, with col. Nicholson, obtain'd a small force from England, and instructions to the several governors on the continent to give them what assistance they could:*. They had a promise of a fleet of ships of war to follow them in due time; they came over in the beginning of summer

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Colonels
Vetch and
Nicholson.

* The instructions to the governor of New-York and New-Jersey, were as follows:

'ANNE R.

'Right trusty and well beloved, we greet you well: Whereas we are fitting out an expedition with great expence, for the security of our subjects in your government, from the neighbourhood of the French at Canada, which has been very troublesome to them of late years: According to certain proposals laid before us by our trusty and well beloved colonel Vetch, and pursuant to the many applications that have been made to us by our subjects, who have suffered very much from the French in that neighbourhood; we do hereby strictly require and command you, to be assisting to this expedition, after the manner that the said colonel Vetch shall in our name propose to you, and that you look upon those parts of his instructions which relate to you, and our governments under your care, and which we have ordered him to communicate to you, in the same manner as if they were our positive commands directed to yourself, and that you pay the same obedience to them: And whereas there may be some particulars in our above mentioned instructions, as that which concerns the place of rendezvous, in which you who live in the country, may be the most proper judge; we do therefore leave this and the other the like circumstances, to be altered at discretion; provided, that colonel Vetch and colonel Nicholson, do agree with you in any such alteration; and provided you do punctually observe the number of men which you are to furnish, and the time when they are to appear and be on a readiness to enter upon their expedition: And so we bid you farewell. Given at our court at St. James's, the 28th of February, and in the seventh year of our reign.

By her majesty's command,

SUNDERLAND.

'To our trusty and well beloved John Lord Lovelace, our captain general and governor in chief of our province of New-York and New-Jersey, in America, or in his absence to the commander in chief of the said provinces for the time being.'

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mer 1709,^a and brought with them the following instructions, directed to col. Vetch.

‘ANNE R.

‘Instructions for our trusty and well-beloved Col. Vetch, to be observed in his negotiations with the governors of several of our colonies in America: Given at our court at St. James’s, the 28th day of February, 1708–9, and in the seventh year of our reign.

‘Whereas you have laid before us the proposal of an enterprize on Canada and Newfoundland, which may turn very much to the security and advantage of our subjects in those parts of America, as well as to the prosperity of our kingdoms in general; we having taken the same into consideration, do entirely approve of the said proposal; and in order to execute it effectually, have thought fit to give you these our following instructions.

‘You shall immediately repair on board the ship appointed by our high admiral for the transporting of you, with officers as shall be sent under your command, to several of our colonies in North-America; upon your arrival at New-York, you are to deliver to our governor of that place a letter from us, and communicate to him these our instructions, acquainting him, that we shall expect from him a punctual
‘and

^a. The colonels Nicholson and Vetch both appearing at a council held at Amboy, *the 30th May, 1709*, it was concluded, that George Riscarricks should be forthwith sent to Weequehala, the Indian sachem, to acquaint him, that the lieutenant governor Ingoldsby expected his attendance on that board forthwith: and that captain Aarent Schuyler should forthwith send for Mahecutinist, Cohewickick, Ohtossolonoppe, Meskakow and Teetee, sachems of the Minisinks and Shawhona Indians; who appearing soon afterwards, joined in the undertaking; and Ingoldsby, governor of New-Jersey, G. Saltonstall, governor of Connecticut, and C. Gookin, governor of Pennsylvania, jointly commissioned colonel Peter Schuyler, *the 23d of May, 1709*, to be over these and the other Indians on this expedition; and soon afterwards the said three governors joined in a petition to Nicholson, that he would take upon him the chief command of the expedition; after which he bore the name of general Nicholson.

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‘and ready compliance in all such as relate to him;
 ‘you shall represent to him, that out of a great desire
 ‘to answer the frequent applications which have been
 ‘made to us, by our good subjects the inhabitants of
 ‘those parts, to deliver them from the neighbourhood
 ‘of the French of Canada, which of late years hath
 ‘been so troublesom to them; we have fitted out an
 ‘expedition, the particulars of which you shall lay
 ‘before him, and withal let him know, that we strictly
 ‘require and enjoin him, to give such an assistance to
 ‘the said expedition, as is hereafter specified.

‘You shall signify to him our pleasure, that the
 ‘governor of New-York do furnish a quota of eight
 ‘hundred men, including the four standing companies;
 ‘and that the city regiments of York and Albany do
 ‘duty in the forts, during the absence of the said
 ‘standing companies. You shall at the same time
 ‘acquaint him, that New-Jersey is to furnish two
 ‘hundred men; Connecticut three hundred and fifty,
 ‘and Pennsylvania one hundred and fifty; so that the
 ‘whole force will consist of fifteen hundred effectives;
 ‘which are to be disposed into four battalions; each
 ‘battalion to have one of the four regular companies
 ‘mixed and incorporated in it, and to be commanded
 ‘by the captains as colonel whose company is so in-
 ‘corporated in it, and under him by the respective
 ‘officers of the country troops; the officers that go
 ‘with you, and are designed for New York, to be
 ‘distributed among the companies, as the governor in
 ‘concert with the commander in chief, shall think best
 ‘for the service.

‘You shall likewise acquaint our aforesaid gover-
 ‘nor, in our name, that we do command and expect
 ‘from him, that the quotas of his government, be
 ‘ready at Albany, with all things necessary for the
 ‘expedition, by the middle of May next ensuing, at
 ‘the furthest; and that he furnish all the troops with
 ‘what arms and ammunition they want, out of the
 ‘magazine at New York; and that he do forthwith
 ‘get together and keep in readiness, three months pro-
 ‘vision

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‘vision for his quota of those, to be transported and
‘lodged in some convenient place at the wood creek,
‘or elsewhere; for the security of which, he shall, in
‘conjunction with the governments of Connecticut
‘and Pennsylvania, cause to be built a large wooden
‘store house; as also six or more large boats, that will
‘carry sixty men each, for the transportation of their
‘heavier stores by water; and also contract with the
‘five nations, to make with all speed, as many canoes
‘as will be wanted for the said expedition.

‘You shall moreover enjoin the aforesaid governors
‘in our name, to command and engage the aforesaid
‘five nations, as also the river Indians, to join with
‘all their fighting men in the said expedition, and
‘promise them a good present if they do; you shall
‘likewise acquaint them, that it is our pleasure that he
‘give all fitting encouragement to any gentlemen, or
‘others, that shall offer themselves to go as volunteers
‘in this our service.

‘You shall deliver a letter from us to the governor of
‘Connecticut, and another to the governor of Pennsyl-
‘vania, for the time being, and signify to them our
‘royal will and pleasure, that they have their quotas
‘of men and provisions ready by the middle of May
‘at furthest; acquainting them withal, that the gover-
‘nor of New-York is ordered to assist them with what
‘arms and ammunition they shall want.

‘After having finished your negotiations for the
‘foregoing expedition, with all possible secrecy and
‘dispatch, you shall deliver a letter from us to our
‘governor of New-England, and another to the gover-
‘nor of Rhode-Island, for the time being, strictly en-
‘joining and commanding them in our name, to raise
‘at least twelve hundred of their best men, according
‘to their usual proportions; and to give all fitting en-
‘couragement to any such as shall offer themselves to
‘go volunteers in the expedition, whether gentlemen
‘or others; as also to have in readiness a sufficient
‘number of transports, with three months provisions,
‘and

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‘and able pilots, whereof capt. Southwech^b is to be
 ‘one, and to go in his own galley; and that all may
 ‘be ready to embark by the middle of May, upon
 ‘the arrival of the fleet from England; and for their
 ‘greater encouragement, you shall acquaint them, that
 ‘we have ordered arms and ammunition to be sent
 ‘with you, for the number of troops they are to
 ‘furnish; which arms and ammunition you shall
 ‘accordingly deliver to the several companies, in pre-
 ‘sence of the governor or commissary of the country,
 ‘taking a receipt for the same, which you shall trans-
 ‘mit to our board of ordnance in this kingdom.

‘You shall with the concurrence and advice of our
 ‘governor of New-England, contract with ship car-
 ‘penters, for the building of ten or more large flat
 ‘bottom’d boats, that will carry sixty men each, for
 ‘the landing of troops; and also contract with proper
 ‘persons for the furnishing of eight months provision
 ‘to the troops that shall be left at Quebec or Montreal,
 ‘if it shall please God to make our forces masters of
 ‘those places, and to give us the success that we hope
 ‘for from this our expedition.

‘And to the end, that nothing may be wanting on
 ‘our parts, towards engaging the several governments
 ‘to act with the utmost spirit and vigour in this expe-
 ‘dition, you shall assure them in our name, that such
 ‘of the governments as contribute towards the reduc-
 ‘tion of Canada, shall have a preference both with
 ‘regard to the soil and trade of the country, when
 ‘reduced, to any other of our subjects; and when they
 ‘shall have concerted among themselves any reasonable
 ‘proposals, for securing to their respective colonies the
 ‘benefit of the said soil and trade, we shall not be
 ‘wanting to give our royal sanction to the same.

‘You shall communicate these our instructions to
 ‘colonel Francis Nicholson, who hath offered himself
 ‘to go as a voluntier in this expedition; and further,
 ‘out of regard to his known abilities and zeal for our
 ‘service

^b. He was master of the province galley, belonging to the
 Massachusetts government.

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‘service, we do require, that you should admit him
‘into your private consultations with our several gover-
‘nors, on the methods for putting this your proposal
‘into execution; and if by reason of the distance of
‘time and place, any other preparations may be neces-
‘sary for the carrying on this expedition, which we
‘could not here foresee, and which is not contained
‘in these your instructions, you shall, with the concur-
‘rence of the governor, who is to assist in any such
‘service, and of colonel Nicholson, make any such
‘preparations, tho’ it is not in your instructions; pro-
‘vided, that it appear to you absolutely necessary for
‘the carrying on of the expedition aforesaid, and that
‘the governor and colonel Nicholson do entirely concur
‘in judging it to be so. A. R.

‘SUNDERLAND.’

Being arrived, they did their best at raising forces on the continent; but a difference arising among the ministry at home, the ships of war expected from thence, came not: They waited without doing any thing till the winter, and then Nicholson went back to England, to solicit further assistance, and forward what had been proposed; to do this with more probability of success, four Indian sachems of the *Five* now *Six Nations*, were prevailed upon to take a voyage to England, to assist what they could in persuading this Expedition: With these went over col. Schuyler, They

c. Indians in England were then a strange sight; these sachems were also considered in proportion to the faithfulness and importance of the nations they belonged to, and accordingly much taken notice of: The court was in mourning for the death of George prince of Denmark, the sachems at the queen’s expense had under-cloaths of black, covered with a scarlet mantle, edged with gold; they were carried to court in coaches, and introduced in form to the queen; one of them made a speech, setting forth, that they doubted not the queen was acquainted with their long and tedious war against the French, in conjunction with her children, (subjects) that they had been a strong wall for the security of these, even to the loss of their best men, as Quider and Anadagarjaux (Schuyler and Nicholson)

They sail'd early in the year; had several conferences with the lords of trade; and with Nicholson and the forces he brought, returned in the summer, and arrived at Boston.

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According to the instructions to the governments on the continent, for getting their assistance in readiness, a considerable armament was raised, and set out from Boston September 18. The fleet consisted of the Dragon, Falmouth, Leostaff, Feversham, men of war, the Star bomb, and the Massachusetts province galley, with transports, in all thirty-six sail; the forces on board were, one regiment of marines from England, two regiments of Massachusetts Bay, one regiment of Connecticut, and one of New-Hampshire and Rhode-Island, commissioned by the queen, armed and victualled in part by her gift, and part by the several colonies, towards which New-Jersey was £. 3,000; they arrived at Port-Royal, now called Annapolis-Royal, in six days sail from Boston; after some small canonading and bombarding, the French governor Subercasse, capitulated; October 5, the fort was given up, and col. Vetch, according to the instructions for that purpose, became
governor;

Nicholson) could testify; that they were glad an Expedition to Canada had been undertaken, and had assisted in the preparations on the lake, whilst Anidiasia (Vetch) at the same time was raising an army at Boston; that as some important affair had prevented the expected fleet, and rendered the design for that season abortive: they were left much exposed; and if the Queen was not still mindful of them, they with their families must forsake the country, and seek other habitations, or stand neuter; either of which would be much against their inclinations; they concluded with presenting some belts of wampum.

After this they were magnificently entertained by several of the nobility, and were once present at the review of the guards in Hyde-Park, with the duke of Ormond at their head; to him they made a speech, and presented him with three skins, to enforce a request, that he would forward their business with the queen. On their return, at Southampton, Admiral Aylmer, who commanded a fleet there, sent his yacht to bring them on board; they dined with him, and then sailed for America.

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governor; the terms of the capitulation were, that all the French, being four hundred and eighty one persons, within three miles of the fort, should be under the protection of Great-Britain, upon taking the oaths of allegiance; the other French settlers were left at discretion; that in case the French made incursions upon the frontiers of New-England, the British should make reprisals upon the French in Nova-Scotia, by making some of the chief of their inhabitants slaves to their Indians; notwithstanding this, the French of L'Acadia, soon after committed hostilities; tho' the Port-Royal and Cape-Sable Indians desired terms of amity and alliance might be settled with them; which was accordingly done. The men of war and transports sailed again for Boston, October the 14th, leaving a garrison in Port-Royal of two hundred marines and two hundred and fifty of the new raised volunteers from the continent; which were the next year relieved by four hundred of the troops destin'd for Canada.

Nova-Scotia had continued with the French from the year 1662 (except the momentary reduction and possession of it by sir William Phips, in 1690.^d) until now; this acquisition afterwards confirmed to Great-Britain by the treaty of Utrecht, hath so remained ever since.

The design respecting Canada, was for this year laid aside; the earl of Dartmouth, secretary of state, wrote to governor Hunter upon the subject, and to encourage an attempt upon Port-Royal, as follows:

'Sir, Whitehall, August 1710.

'The queen commands me to acquaint you, that
'as she has formerly taken into consideration the sending over into New-England, such a number of land
'forces

Earl of
Dart-
mouth's
letter.

^d. Vid. lieutenant governor Hutchinson's hist. of the Massachusetts-Bay, p. 397, &c.

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'forces, that joined with those under your command,
 'and such as the neighbouring colonies could have
 'furnished, might have been of strength sufficient to
 'beat the French out of Canada and North-America;
 'so her majesty had caused this year all necessary pre-
 'parations to be made, for this expedition; which her
 'majesty has been forced to lay aside for the present, by
 'reason of the contrary winds which happened, when
 'the season was proper for the fleet to sail, and in regard
 'of other important services which interven'd; the
 'queen commanded me to add, that she hopes to receive
 'a good account of the expedition against Port-Royal;
 'having sent away last spring Col. Francis Nicholson,
 'with such commissions, instructions and dispatches,
 'as were necessary for that purpose; and that she is
 'very well pleased with the accounts she has received of
 'the zeal with which her subjects under your govern-
 'ment embraced this undertaking, and the forwardness
 'they expressed to promote it; her majesty therefore for
 'this season, out of her tender care for their good and
 'prosperity, intends to pursue this design as soon as the
 'state of her affairs will permit it, being very sensible
 'of the great advantages which may be thereby ex-
 'pected. And as her majesty will not be wanting of
 'her endeavours to promote whatever may conduce to
 'the welfare and security of the colony under your
 'government; so her majesty doubts not, but that
 'proper measures will be effectually taken there for the
 'common safety and interest, which her majesty ear-
 'nestly recommends to your care.

'This is what I have in command from the queen,
 'who would have you to communicate this letter in the
 'usual manner, to her loving subjects.

'I am, sir, your most humble servant,

DARTMOUTH.'

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Governor
Hunter
arrives.

Brigadier Hunter arrived governor in the summer this year,^c called a new assembly^d to meet the 6th of December; they chose John Kay, of Gloucester, speaker, received the governor's speech; we give it in his own words.

'Gentlemen,

Speech.

'I am little used to make speeches, so you shall 'not be troubled with a long one; if honesty is the 'best policy, plainness must be the best oratory; so to 'deal plainly with you, so long as these unchristian 'divisions which her majesty has thought to deserve 'her repeated notice, reign amongst you, I shall have 'small hopes of a happy issue to your meeting.

'This is an evil which every body complains of, but 'few take the right method to remedy it; let every 'man begin at home, and weed the rancour out of his 'own mind, and the work is done at once.

'Leave disputes of property to the laws, and injuries 'to the avenger of them; and like good subjects, and 'good christians, join hearts and hands for the com- 'mon good.

'I hope you all agree in the necessity of supporting 'the government, and will not differ about the means; 'that it may the better deserve your support, I shall 'endeavour to square it by the best rule that I know, 'that

^c. The members of council in his instructions were, Lewis Morris, William Pinhorne, George Deacon, Richard Townley, Daniel Coxe, Roger Mompesson, Peter Sonmans, Hugh Huddy, William Hall, Thomas Gordon, Thomas Gardiner, Col. Robert Quarry.

^d. The Members were,

For the town of Burlington, Isaac Decow, Robert Wheeler. *The county of Burlington*, Thomas Lambert, Joshua Humphreys. *Gloucester*, John Kay, John Kaighn. *The town of Salem*, Hugh Middleton, John Mason. *The county of Salem*, Bartholomew Wyat, Isaac Sharp. *Cape May*, Peter Fretwell, Jacob Spicer. *The town of Perth-Amboy*, John Johnston, John Reid. *The county of Middlesex*, Thomas Farmer, Adam Hude. *Essex*, Joseph Marsh, John Trent. *Bergen*, Andreas Vanbuskirk, William Sanford. *Monmouth*, Gershom Mott, William Lawrence. *Somerset*, Cornelius Longfield, John Tunison.

‘that is the power from whence ’tis derived; which
 ‘all the world must own to be justice and goodness
 ‘itself.

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‘There are several matters recommended to you
 ‘by her majesty, to be passed into laws, which I shall
 ‘lay before you at proper seasons; and shall heartily
 ‘concur with you in enacting whatsoever may be re-
 ‘quisite for the publick peace and welfare, the curb-
 ‘ing of vice, and encouraging of virtue.

‘If what I have said, or what I can do, may have
 ‘the blessed effect I wish for, I shall bless the hour
 ‘that brought me hither; If I am disappointed, I shall
 ‘pray for that which is to call be back, for all power
 ‘except that of doing good is but a burthen.

The assembly’s address.

‘May it please your excellency,

‘We sincerely congratulate your accession to the
 ‘government of this province, and hope the long
 ‘wished for time is come, in which the unchristian
 ‘causes of our divisions will be taken away, which we
 ‘persuade ourselves you will be as willing, as we con-
 ‘ceive you are able to do, by divesting a few design-
 ‘ing men of that authority, which they use to the
 ‘worst purposes.

Address.

‘We have experienced repeated instances of her
 ‘majesty’s care over us; among which one was, the
 ‘sending the good lord Lovelace, who put an end to
 ‘an administration the then assembly of this pro-
 ‘vince, with great justice, stile the worst New-Jersey
 ‘had ever known; that good man lived long enough
 ‘to know how much the province had been op-
 ‘pressed, tho’ not to remove the causes: Another in-
 ‘stance of her majesty’s royal favour, we esteem, is
 ‘the sending your excellency to govern us, and we
 ‘persuade ourselves your conduct will evince it so to be.

‘We hope great things from you, and none but
 ‘what are just; let not ill men be put or continued in
 ‘power to oppress; let her majesty’s subjects enjoy
 ‘their liberties and properties, according to the laws,
 ‘and let not those laws be warpt to gratify the avarice or
 resentment

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‘resentment of any, and then we may safely leave
‘disputes of property to them; this we are humbly of
‘opinion, is the greatest honesty, and we make no
‘question you esteem it to be the best policy.

‘We always thought it equally reasonable to support
‘a government, and to deny that support to tyranny
‘and oppression; we should be glad our abilities would
‘come up to what we esteem your merits; what we
‘are able to do, shall be sincerely done, and in as agree-
‘able a manner as we are capable; all your desires,
‘which we doubt not will be reasonable, shall be com-
‘mands to us, who will be always ready to join in any
‘thing that may conduce to the publick benefit, and
‘your own; and hope you may never want will and
‘power to punish wickedness and vice, and encourage
‘true religion and virtue; which if you do, we shall
‘esteem you our deliverer, and posterity shall mention
‘your name with honour,

‘Divers members of this assembly, being of the people called
‘quakers, concur to the substance of this address, with their usual
‘exception to the stile.

This session continued better than two months; the
governor and assembly agreed cordially, but a majority
of the council differed from both, notwithstanding an
accession of divers new members.

Ever since the surrender, the province had been
involved in great confusion, on account of the people
called quakers being denied to serve on juries, under
pretence that an oath was absolutely necessary; the in-
habitants in many parts, were chiefly such, and juries
could not be got without them; the assembly seeing
the confusion that had and would unavoidably follow
such refusal, passed a bill for ascertaining the qualifica-
tion of jurors, and enabling the people called quakers
to serve on them, &c. and another respecting the
affirmation: The reports of the committee, will, a-
mong other things, shew the conduct of the council
on this occasion

Confusion
in excusing
the oath.

‘The

‘The house, according to order, resolved itself into
 ‘a committee of the whole house, to consider farther of
 ‘the papers laid before this house by his excellency;
 ‘and after some time spent therein, mr. speaker re-
 ‘sumed the chair, and doctor Johnson reported from
 ‘the said committee, that the 43d article of her majesty’s
 ‘instructions being read, requiring an act to be
 ‘passed, for settling the properties and possessions of all
 ‘persons concerned in this province; they do think it
 ‘to be a matter of the greatest concern, for the quiet-
 ‘ing the minds of the people and making the province
 ‘happy, and do think it will be to no purpose at pre-
 ‘sent to spend time about such a bill, seeing the coun-
 ‘cil has put them out of all hopes of having any such
 ‘act to pass.

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Commit-
 tees report.

‘Doctor Johnson also reported from the said com-
 ‘mittee, that the 60th article of her majesty’s instruc-
 ‘tions being read, requiring an act to be passed, for
 ‘those people that make a religious scruple of swearing,
 ‘to the like effect of that passed in the 7th and 8th of
 ‘king William the third in England, so far as may be
 ‘consistent with good order and government; that the
 ‘house have already sent up such an act to the council
 ‘for their concurrence, as near to the like effect as the
 ‘circumstance of this colony will admit; which the
 ‘council rejected without committing the same.

‘And further, that the 94th article of her majesty’s
 ‘instructions being read, requiring an act to be passed
 ‘ascertaining qualifications of jurors; that the same
 ‘was included in the bill, entitled, “An act for ascer-
 ‘taining the qualifications of jurors, and enabling
 ‘the people called quakers to serve on them, &c.”
 ‘which the council rejected without committing the
 ‘same, as is reported before to the 60th article.

‘And that he was desired to move, that they might
 ‘have leave to sit again.

By this report, it seems the assembly had no expect-
 ation of obtaining these matters this session; they
 took into consideration the militia act, passed in
 Cornbury’s

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Cornbury's time, by which the quakers in many parts of the province had been greatly oppressed; they appointed doctor Johnston, Isaac Sharp, Jacob Spicer, William Sandford, John Reid, and Robert Wheeler, *g.* a committee, 'to prepare and bring in a bill, for explaining an act of this province, past in the third year of her majesty queen Anne, entitled, "an act for settling the militia of this province, and for relieving persons aggrieved thereby."

A Bill was brought in, and divers officers who had been more rigorous in distressing, than the law warranted, were sent for, to answer for their conduct at the bar of the house, and ordered to render account of the goods distrained; this gone through, the bill passed, in which provision was made for the relief of the sufferers; but the council rejected it, as they had done the other bills.

Next came on the consideration of the charges made against a former assembly, to the queen, whose vindication they undertook.

Vindication of a former assembly.

'A copy of a paper entitled, *The humble address of the lieutenant governor and council of Nova-Cæsaria or New-Jersey, in America, to the Queen's most excellent majesty*; *h.* signed by Richard Ingoldsby, William Pinchorne, Roger Mompesson, Thomas Revell, Daniel Leeds, Daniel Core, Richard Townley, William Sandford, and Robert Quarry, in the year 1707; was read in the house; and being taken into consideration, the question was put, whether the said humble address (as it is called) of the lieutenant governor and council to the queen's most excellent majesty, be a false and scandalous representation of the representative body of this province, or not? it was carried in the affirmative. A motion being made, and the question 'being

g. The two last had left the quakers, with G. Keith, and Sandford had distinguished himself against them.

h. See p. 345, &c.

‘being put, whether this house do address her majesty
 ‘for the justification of the proceedings of the repre-
 ‘sentative body of this province, in the present and
 ‘former assemblies, or not? it was carried in the affir-
 ‘mative.

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‘A motion being made, and the question being
 ‘put, whether any person that has signed the above
 ‘mentioned false and scandalous representation of the
 ‘representative body of this province, be a fit member
 ‘to sit in this house, unless he acknowledge his fault
 ‘to this house, or not? it was carried in the negative.

‘Major Sandford, one of the members of this
 ‘house, having acknowledged that he signed the
 ‘above mentioned address to her majesty, was asked
 ‘if he would acknowledge his fault to this house for
 ‘the same? his answer was, he signed it as he was
 ‘one of her majesty’s council, and was only account-
 ‘able to her majesty for the same; wherefore the
 ‘question was put, whether major Sandford be expelled
 ‘this house for the same, or not? it was carried in the
 ‘affirmative.

‘Ordered, that major Sandford be expelled this house,
 ‘for signing a false and scandalous paper, called the
 ‘humble address of the lieutenant governor and
 ‘council, to her majesty, in the year 1707; and he is
 ‘expelled this house accordingly.

CHAP. XX.

*Representation of the Assembly to governor Hunter; and
 his answer.*

PURSUANT to the resolutions of the house, an
 address was prepared, and sent to the queen, and a
 representation to governor Hunter: This last is a
 particular answer to the charges, and was as fol-
 loweth:

‘The

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‘The humble representation of the general assembly
‘of her majesty’s province of New-Jersey.

‘To his excellency Robert Hunter, Esq; captain
‘general and governor in chief of the provinces of
‘New-Jersey and New-York in America, and vice
‘admiral of the same, &c.

‘May it please your excellency;

Represent-
ation to
governor
Hunter.

‘When the lord Lovelace was pleased to let the
‘representative body of this province know, that her
‘majesty desired to be informed of the causes of the
‘differences between the gentlemen of the council and
‘them; nothing could be more satisfactory; because
‘they entirely depended, that a person of so much
‘justice and veracity, would put things in their true
‘light; and had he lived long enough to have complied
‘with her majesty’s commands, we had not now been
‘under the necessity of laying the following representa-
‘tion before your excellency.

‘We are very sorry we have so much reason to say,
‘it was lately our misfortune to be governed by the
‘lord Cornbury, who treated her majesty’s subjects
‘here not as freemen who were to be governed by laws,
‘but as slaves, of whose persons and estates he had the
‘sole power of disposing. Oppression and injustice
‘reigned every where in this poor, and then miserable
‘colony; and it was criminal to complain or seem any
‘way sensible of these hardships we then suffered; and
‘whatever attempts were made for our relief, not only
‘proved ineffectual, but was termed insolence, and
‘flying in the face of authority: the most violent
‘and imprudent stretches of arbitrary power, were
‘stamped with the great name of the queen’s preroga-
‘tive royal; and the instruments and strenuous assertors
‘of that tyranny, were the only persons, who in his
‘esteem and their own, were for supporting her maje-
‘sty’s government: Bribery, extortion and a contempt
‘of laws, both human and divine, were the fashion-
‘able vices of that time; encouraged by his counte-
‘nance, but more by his example; and those who
‘could most daringly and with most dexterity trample
‘upon

'upon our liberties, had the greatest share both in the
 'government of this province and his favour; This
 'usage we bore with patience a great while, believing,
 'that the measures he took proceeded rather from
 'want of information or an erroneous judgment,
 'than the depravity of his nature; but repeated in-
 'stances soon convinced us of our mistaken notions;
 'and that he was capable of the meanest things, and
 'had sacrificed his own reputation, the laws, and our
 'liberties, to his avarice: No means were left unes-
 'sayed, that gave hopes of gratifying that sordid pas-
 'sion: The country was filled with prosecutions by
 'informations of the attorney general, contrary to law.
 'Those of her majesty's subjects who are called Qua-
 'kers, were severely harrassed, under pretence of
 'refusing obedience to an act of assembly for settling
 'the militia of this province, when neither the letter
 'nor meaning of that act justified the severities used
 'on that account; the measures that were then taken,
 'being chiefly such as the implacable malice of their
 'adversaries suggested: The rights of the general
 'proprietors, which upon the surrender of the govern-
 'ment, were promised to be preserved inviolable to
 'them, and which her majesty, by her instructions,
 'had taken all possible care to do, were by him invaded
 'in a very high degree; their papers and registers
 'being the evidences they had to prove their titles to
 'their lands and rents, violently and arbitrarily forced
 'from them, and they inhibited from selling or dis-
 'posing of those lands; by which means their titles
 'were made precarious, the value of lands through the
 'whole province fell very much, and a great stop was
 'put to the settlement and improvement of it: To be
 'short, all ranks and conditions of men grossly
 'abused, and no corner of the country without com-
 'plaints of the hardships they suffered from the exercise
 'of a despotick and mistaken power: An administra-
 'tion so corrupt, so full of tyranny and oppression
 'in all its parts, induced the assembly to have a regard
 'to the cries of that unhappy country they represented,
 'and

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‘and to endeavour (if possible) some redress and
 ‘accordingly, in a most humble manner, remonstrated
 ‘to his lordship their grievances; who was of opinion,
 ‘their remonstrance lay open to a very ready answer;
 ‘but that he might give them no occasion to say he had
 ‘done it with heat and passion, he took some few days
 ‘to do it; but with what coolness and temper it was
 ‘done, those who have seen it can judge; they both
 ‘lie before your excellency (No. 1 and 2.) Sometime
 ‘after the assembly were adjourned; and when we met
 ‘again, made a reply to that answer; which reply
 ‘(No. 3.) lies before your excellency; but neither the
 ‘one nor the other procured the desired effects; on the
 ‘contrary, the number of our grievances were in-
 ‘creased, some of the most considerable of our inha-
 ‘bitants deserted the province, and many of those that
 ‘remained thought themselves unsafe in it; the only
 ‘hopes they had, was the arrival of the lord Lovelace,
 ‘which supported their sinking spirits, and gave them
 ‘an expectation of better days.

‘Upon the first sitting of the assembly, after his
 ‘arrival, he communicated to them a paper, called,
 ‘*The address of the lieutenant governor and council of New-*
 ‘*Jersey.* It was no surprise to us, to find any thing
 ‘indecent or virulent proceeding from such men; but
 ‘it was with some concern, we beheld what endeavours
 ‘they had used, to render her most gracious majesty
 ‘disaffected with her honest and loyal subjects here,
 ‘by accusations which were not only false, but what
 ‘they knew to be so, at the time of their writing of
 ‘them, and which we had made appear to be so, had
 ‘they not used evasions and shifts to avoid coming to
 ‘the test, in the time of lord Lovelace, and while the
 ‘assembly was sitting; then they seemed to be for re-
 ‘conciling matters, and burying every thing in
 ‘oblivion, in hopes their own deeds of darkness might
 ‘partake of the same covering; and hoped the sweet-
 ‘ness of that noble lord’s temper, and inclinations to
 ‘peace, might secure them from that examine which
 ‘was necessary to expose them in their true colours; and
 ‘how

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'how much on that occasion they fawned and flattered,
 'appears by an address of theirs to him, which
 'for the peculiarity of the language (and we might
 'say the unintelligibleness of the terms) ought never
 'to be forgotten: It begins thus, *Your lordship has not*
 '*one virtue or more, but a complete accomplishment of all*
 '*perfections, &c.* and at the same time they were deify-
 'ing him (if such an address could do it) they were
 'caballing and artieling against him, triumph'd in his
 'death, and have barbarously treated his memory; and
 'notwithstanding the *laws of heaven and nature*, (as
 'they are pleased to express themselves) and all the
 'fine things they say of you, added to the justness of
 'your administration, they'll give you the same treat-
 'ment when they can; the knowledge we have of
 'their practices, has made us trespass a little longer on
 'your excellency's patience than we at first designed:
 'But to return to the address; he believe the gentlemen
 'of the council have transmitted something to one of
 'her majesty's secretaries of state, which they called
 'proofs, and with all the secrecy they could, hoping it
 'may obtain at that distance, especially when backed
 'by some whose interest it is, that all they have said
 'be credited: To prevent the ill consequences that may
 'attend the belief of what they have said, or indeed
 'can say, we shall endeavour to prove every article
 'of the said address false; and that the subscribers
 'knew several of them to be so at the time of their
 'signing; what we say is publick, not carried on in
 'darkness, to prevent that reply, which the gentlemen
 'concerned to justify themselves, and upon the spot,
 'may make if they can.

'We begin with the title of the address; which is,
 '*The humble address of the lieutenant governor and council*
 '*of Nova-Cæsaria or New-Jersey in America.*

'This carries a falsehood in the very front of it; for
 'it was no act of council; but signed by some in the
 'western, and by others in the eastern division of New-
 'Jersey, by one or two in New-York, at different times,
 'being privately carried about by a messenger of my
 lord

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‘lord Cornbury’s; and some were raised out of their
 ‘beds to sign it; it never pass’d the council; was never
 ‘minuted in the council books, and the lieutenant
 ‘governor has several times protested he signed it
 ‘without ever reading it: The gentlemen of the council
 ‘cannot deny the truth of this; if they do, we can
 ‘prove it; but to justify themselves they say, *it was*
 ‘*signed by the lieutenant governor and the gentlemen of*
 ‘*the council, though not in council:* So that it’s plain,
 ‘they designed to abuse the queen, by giving it the
 ‘stile of an act of council, which her majesty and
 ‘every body that reads it would take to be so, when
 ‘they knew in their consciences it was not so; but that
 ‘their malice or servile fears induced them to sign it,
 ‘and may not improperly be called, forging an act of
 ‘council; it’s apparent that Roger Mompesson, esq;
 ‘signed it by himself; that it was brought to him as
 ‘an act of council, and that as such he thought him-
 ‘self obliged to sign it, as by his reasons for signing it
 ‘appears; which reasons could have had no weight,
 ‘had he not understood it to be so; for he owns he
 ‘never examined into the particulars of it.

‘The first article is, *We the lieutenant governor and*
 ‘*council of her majesty’s province of Nova-Cæsaria or*
 ‘*New-Jersey, having seriously and deliberately taken into*
 ‘*consideration the proceedings of the present assembly or*
 ‘*representative body of this province, thought our selves*
 ‘*bound, both in duty and conscience, to testify to your*
 ‘*majesty our dislike and abhorrence of the same.* This is
 ‘true, if signing any thing without reading or examin-
 ‘ing into the particulars of it, and by some between
 ‘sleeping and waking, be arguments of seriousness and
 ‘deliberation, otherwise not; except by the words
 ‘*seriously* and *deliberately*, be meant, their resolutions
 ‘on all occasions to do what the lord Cornbury com-
 ‘manded them; as indeed their signing this address,
 ‘and their conduct in every other thing, did but too
 ‘plainly evince, to be the only seriousness and delibe-
 ‘ration they were capable of: When col. Quarry sign’d
 ‘that address, we believe he was misled, and depended
 too

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‘too much on the credit of others: we must do him
 ‘the justice to own, that he has of late declined join-
 ‘ing with them in many of their hot and rash methods,
 ‘and behaves himself at present like a man of temper,
 ‘who intends the service of the queen and good of
 ‘the country. These addressors tell her majesty, that
 ‘they were *in duty and conscience bound to testify their*
 ‘*dislike and abhorrence of the same to her*: Had they
 ‘abhorred falsehood, and discharged their duty as in
 ‘conscience they were bound to do, in refusing to join
 ‘with the lord Cornbury, in all his arbitrary and unjust
 ‘measures, and particularly in that scandalous address,
 ‘(pardon the expressions) the country would not have
 ‘had that just cause to complain, as now they have,
 ‘and in probability always will, while they continue
 ‘in their present stations: There were no proceedings
 ‘in that assembly that any honest man had reason to
 ‘dislike; and their endeavours for the good of the
 ‘country, deserve the highest praise, and ought never
 ‘to be forgotten by New-Jersey.

‘The second article is, *That the unaccountable*
 ‘*humours and pernicious designs of some particular men,*
 ‘*have put them upon so many irregularities, with inten-*
 ‘*tion only to occasion divisions and distractions, to the*
 ‘*disturbance of the great and weighty affairs which her*
 ‘*majesty's honour and dignity, and the peace and welfare*
 ‘*of the country required*: The so many irregularities
 ‘are, we suppose, what the lord Cornbury mentioned
 ‘in his answer to their remonstrance; which that house
 ‘replied to; as may be seen in their reply (No. 3.) and
 ‘whether they were irregularities or no, the world can
 ‘judge; but be they what they will, the addressors
 ‘are never able to prove, that the unaccountable hu-
 ‘mours of some particular men put them upon them;
 ‘they may indeed boldly say they did, and if that will
 ‘do, they may say again, that it was with *intention to*
 ‘*occasion divisions, &c.* but that neither proves, that any
 ‘particular men influenced that assembly, nor that the
 ‘intentions of doing so, were as they say; that being
 ‘impossible for them to know; and if we may be
 ‘allowed

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‘allowed to know the intentions of that assembly, they
‘were far otherwise than what the addressors represent
‘them to have been.

‘The 3d article was, *That we had highly encroached
‘upon her majesty’s prerogative royal.*

‘The 4th, *That we had notoriously violated the rights
‘and liberties of the subject.*

‘The 5th, *That we had manifestly interrupted justice.*

‘These three articles are what the lord Cornbury,
‘in his answer to the remonstrance, charges that assem-
‘bly with, which are fully answered in the aforesaid
‘reply, and proved to be false charges; and this the
‘addressors knew when they signed the address, if ever
‘they read the reply or address (which is very much to
‘be questioned) and we believe, if the truth were
‘known, notwithstanding their pretensions to serious-
‘ness and deliberation, they had little more hand in it
‘than setting their hands to it, as we shall endeavour
‘to evince: It is undeniably true, that it was signed
‘at different times, and in different places; it then
‘must be true, that it was brought ready drawn to the
‘signers, and its very probable that they did not read
‘it, certainly not with any consideration: The lieu-
‘tenant governor, as we observed before, has owned
‘he did not, and the late chief justice, Roger Mom-
‘pesson, Esq; a man as likely to read and consider as
‘any of them, owns under his hand, he never did ex-
‘amine the particulars of it; which is, in other words,
‘owning he did not read it; and its not very likely the
‘rest should: These three articles are the very words
‘used by the lord Cornbury in his answer: the whole
‘address seems to be an abridgment of that answer,
‘several sentences the same, the stile the same, and
‘the same vein of intemperance and ill nature through
‘them both; and in all likelihood done by his lord-
‘ship, who made the addressors father whatever his
‘lordship was ashamed to own.

‘The 6th article is, *That the remonstrance was a most
‘scandalous libel.*

‘The 7th, *That the lord Cornbury made a full and
‘ample answer to it.*

‘The

‘The 8th, *That the reply of the house of representatives of the province of New-Jersey, was a scandalous and infamous libel*; and they add on that head, *this last libel came out so suddenly, that they had not time, as yet, to answer it in all its particulars.*

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‘Certainly it is impossible, that ever men in their right wits, after reading such an address, should sign it! Was it ever known, that any book or paper wrote by a house of commons, was called a *libel*, and a *most scandalous and infamous libel*? If the gentlemen had intended to shew their talents of railing and abusive language; they could hardly have taken a more effectual way, than by that address, which if it prove nothing else, proves them to be very much masters of those qualifications; but we cannot be of opinion, that their calling the remonstrance or reply a libel, proves them to be so; nor had they any reason to expect it would be taken by her majesty, for any thing more than a demonstration of their want of temper; for if those two papers were libels, then the house of representatives might have been punished for them, or at least prosecuted; and if so, any vote, resolve, address or remonstrance that they made, or any other house of representatives could make, would subject the said house of representatives (the authors of them) to the same inconveniency, whenever the gentlemen of the council were pleased to call them so: This is so contrary to the known practice of England, to the laws, to the rights and privileges of the house, that it is a needless labour to prove, either that the gentlemen never read what they signed, or knew what they signed to be false at the time of their signing of it: But to say a little more, the remonstrance and reply are so far from being false, that they are most true: Several of the facts are owned by the lord Cornbury, and where he either evades or denies them, they are made out in the reply: His bribery was proved by a cloud of evidences in the house; and whatever else is charged upon him, he knew to be true; and it is neither in the power of his full and ample answer, nor even of the address
‘itself,

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‘itself, to persuade the contrary : The assembly say
‘indeed in their remonstrance, *Had the affairs of New-*
‘*York admitted his lordship oftener to attend those of*
‘*New-Jersey, he had not then been unacquainted with*
‘*their grievances ; and that they were inclined to believe*
‘*they would not have grown to so great a number.* This,
‘perhaps, may be one of the falsehoods the addressors
‘mean ; and truly it ought to be acknowledged, that
‘the then assembly had no reason to believe his lord-
‘ship’s presence in this province would have any other
‘effect, than the increasing, instead of diminishing
‘their grievances ; but when the addressors say that
‘*the reply came so suddenly out, that as yet, they had*
‘*not time to answer it in all its particulars :* They seem
‘to imply, that they had answered it in some of them ;
‘which has not been done, no, not as yet, though it
‘has been out above three years : And, *its coming out*
‘*so suddenly, &c.* is a great mistake, to say no worse
‘of it ; for it had been out above six months before
‘their address was signed : This is another proof that
‘they never read the address before they signed it ; or
‘if they did, that they knew what they signed to was
‘false, at the time of their signing.

‘The 9th article is, *That these disturbances are owing*
‘*wholly to mr. Lewis Morris and Samuel Jenings, men*
‘*of turbulent, factious, uneasy and disloyal principles ;*
‘*men notoriously known to be uneasy under all government,*
‘*and men never known to be consistent with themselves.*

‘The 10th article is, *That to these men are owing*
‘*all the factions and confusions in the governments of*
‘*New-Jersey and Pennsylvania.*

‘These articles are not only the stile of the lord
‘Cornbury’s answer to the remonstrance ; but for the
‘most part the very words. If mr. Morris, and mr.
‘Jenings, were such men as the addressors say they
‘are, viz. turbulent and factious, uneasy under all
‘governments, and the causers of the factions and
‘confusions of New-Jersey and Pennsylvania ; then
‘certainly to continue thus turbulent, &c. evinced they
‘were not inconsistent with themselves, but constantly
‘pursued

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‘pursued the same measures: This was an expression
 ‘the lord Cornbury was very fond of, and very much
 ‘used, and the addressors here have been but the
 ‘parrots of his thoughts; and all they have said of
 ‘these gentlemen (one of whom is in his grave, viz. Mr.
 ‘Jenings) is a notorious abuse; for whatever was
 ‘done by the assembly (if it’s their proceedings they
 ‘call disturbances) was not done either by the influence
 ‘of Mr. Morris or Mr. Jennings, but from a just sense
 ‘of their duty, in discharge of the trust reposed in
 ‘them by the country, and to prevent the ill effects
 ‘of an arbitrary and unjust use of power, by the lord
 ‘Cornbury, so much encouraged by the slavish com-
 ‘pliances of the addressors, men never known to be
 ‘inconsistent with themselves, nor we fear never will.

‘We should not trouble your excellency longer on
 ‘this head, did we not know this is an article which the
 ‘addressors think they can justify, and which they
 ‘suppose will prove a sufficient defence for all they
 ‘have said; therefore, to put this matter in some
 ‘measure out of dispute, we say, in the first place,
 ‘that should they be able to prove what they say in
 ‘that article, yet it would not justify their other accu-
 ‘sations, nor the severe reflections they have unjustly
 ‘made on the representative body of this province:
 ‘2dly, It plainly appears by the journals of the house,
 ‘that the assembly insisted on the same things, when
 ‘neither Mr. Morris nor Mr. Jennings were among
 ‘them; and now endeavours to evince to your
 ‘excellency, that their proceedings were reasonable.
 ‘3dly, The disturbances in Jersey or Pennsylvania,
 ‘ascribed to Mr. Morris or Mr. Jennings, were no
 ‘other than the opposition of an unlawful and unjust
 ‘authority, and that during the proprietors govern-
 ‘ment, before it was surrendered to the queen; so not
 ‘a fit matter to have been at that time seriously and
 ‘deliberately meddled with by the addressors, and
 ‘could be done with no other intent but to mislead the
 ‘queen, into a belief that Pennsylvania and New-
 ‘Jersey, were then disturbed by these gentlemen;

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‘4thly, We do not find, that ever Mr. Morris was
‘concerned at all, even during that time, in the western
‘division of New-Jersey or Pennsylvania.

‘The 11th article is, *That this is done with design*
‘*to throw off the queen’s prerogative royal, and conse-*
‘*quently to involve all her majesty’s dominions, in this*
‘*part of the world, and the honest and good well meaning*
‘*men in them, in confusion, hoping thereby to obtain their*
‘*wicked purposes.*

‘It is evident from this article, that the accusations
‘of Mr. Morris and Mr. Jennings, were to mislead the
‘queen into such a belief as we have instanced; 1st,
‘from their using the terms (is done) being in the
‘present tense: 2dly, they assign the reason why ’tis
‘done, viz. not only to encourage this government,
‘but all the governments in America, to throw off
‘her majesty’s prerogative royal, and as a consequence
‘of that, to involve all her dominions in this part of
‘the world, &c. in confusion; which is in plain
‘English, *throwing off our allegiance, and revolting*
‘*from the crown of England*; the addressors in the first
‘place, suppose all the plantations on the continent of
‘America inclinable to a revolt, whenever they have
‘an opportunity; or at least if they don’t believe it
‘themselves, would have the queen believe so, and be
‘apprehensive of some danger from it; which if she
‘had, it’s natural enough to suppose such severe me-
‘thods would have been taken, as would prevent
‘any such thing; so that what the addressors have
‘said, is not only an accusation of all the plantations
‘in America, of want of loyalty and affection to her
‘majesty; but an endeavour to alienate her affections
‘from them: We thank God it has not had the ill effects
‘they intended, and hope no representation founded on
‘the malice of any men, ever will; but that the au-
‘thors of them may always meet with as little credit
‘as they deserve: Can it be thought, or could the
‘addressors themselves ever seriously and deliberately
‘think, that the province of New-Jersey, (one of the
‘most inconsiderable of all her majesty’s colonies, and
‘the

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‘the most incapable of making any defence, having
 ‘no fortification that exceeds a stone house, and of
 ‘them but very few; a great part of whose people
 ‘are quakers, who by their principles are against
 ‘fighting) would be so unaccountably mad, as to
 ‘throw off their allegiance (especially to be the first
 ‘in doing it) and expose themselves to unavoidable
 ‘ruin and destruction? Whoever can seriously think
 ‘this, and with deliberation assert it, ought very seri-
 ‘ously, and without much deliberation, be confined to
 ‘the society of mad-men, as persons that can seriously
 ‘and deliberately believe and say any thing; which
 ‘is all we shall say to this ridiculous, as well as mali-
 ‘cious charge, and pass to the 12th article; than
 ‘which nothing more untrue, and knowingly so,
 ‘could be asserted, as we shall by what follows, make
 ‘out; the article runs thus: *That the assembly are*
 ‘*resolved neither to support the queen’s government with a*
 ‘*revenue, nor defend it by settling a militia.*

‘Now it is plain, that this house never did deny to
 ‘raise a sufficient support for the government, and
 ‘took proper care concerning the militia, as by the
 ‘several acts for those ends does more largely appear;
 ‘nay, when the expedition against Canada, was on
 ‘foot we gave three thousand pounds for that end,
 ‘over and above the support of government; and the
 ‘casting vote for the raising that money, and the
 ‘settling the militia now, was given by Mr. Hugh
 ‘Middleton, one reputed a quaker; so that it will
 ‘very easily appear, that accusation of the addressors,
 ‘was not only very untrue, but that they knew it to
 ‘be so at the time of their signing of it; nay more,
 ‘we shall make it appear, that the gentlemen of the
 ‘council have used their utmost endeavours to defeat
 ‘the government of a necessary support, and to
 ‘frustrate, as much as in them lay, the expedition
 ‘against Canada; so that the accusation lies most
 ‘justly against them, and not against us; for the acts
 ‘for the support of the government, and settling the
 ‘militia, made in the time of the good lord Lovelace,
 ‘was

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‘was pass’d by them with the greatest difficulty; and
‘the act for raising three thousand pounds, towards
‘carrying on the expedition against Canada, was at
‘their direction, by Elisha Lawrence and Gershom
‘Mott, two of their tools, who were members of this
‘house, (and were not quakers) voted out, and who on
‘the first and second reading, voted for it, concealing
‘their design of voting against it, till the time of their
‘voting; and not being quakers, were not suspected
‘of voting against it, otherways care had been taken
‘to put it out of their power; and to make it appear,
‘that it was done with design, by direction of the
‘lieutenant governor and council, to cast a reflection
‘on the house, and to justify their allegations in their
‘address, even at the expence of defeating the expe-
‘dition; the lieutenant governor colonel Ingoldsby,
‘tho’ assured by the speaker, and other members of the
‘house, that if the house was prorogued but for twenty
‘four hours, care should be taken the bill should pass;
‘who presently after did, notwithstanding, adjourn
‘the house, from the thirteenth of June to the twenty
‘eighth of July following; a time so long, that if the
‘house and council had been never so willing, the
‘season would by that time have been so far advanced,
‘that it had been of no use then to have raised either
‘men or money towards that expedition; as the lieu-
‘tenant governor and council very well knew; and
‘had not the honourable colonel Nicholson, and col.
‘Vetch, in an extraordinary manner, prest the calling
‘the house sooner than the time appointed, viz. on
‘the twenty third day of June, neither money nor
‘men had been raised on that account: This we think
‘comes up to a demonstration, that these gentlemen,
‘rather than not gratify their resentments, and give
‘some colour of justifying what they had said, chose
‘to sacrifice the service of the queen, and the common
‘good, on so extraordinary an occasion, to their private
‘piques; and indeed their proceedings ever since, have
‘confirmed the country in that opinion, and exposed
‘their conduct to a just censure, and shewed that they
‘have

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‘have been so far from *endeavouring* (as they say, in the last article) *by application to the governor, to remove the grievances, if any were*; that if their best advice was at any time offered, it was rather how to continue and render them more intollerable: We are sorry we have so much reason to say this as we have; but a long and uninterrupted series of despotick and arbitrary government exacts it from us; and which we are sure they will, to their power, continue as long as to the great misfortune of this colony, they remain in any places of publick trust.

‘To enter into a detail of their several male-administrations, ’twould take up more time than we can at present spare, and stretch the bounds of this representation to too great a length: We have already laid before your excellency some proofs against mr. Hall, one of the council, of his extortion, and imprisoning and selling the queen’s subjects; who, if they had been guilty of the crimes alledged against them, ought to have been prosecuted accordingly and not discharged on any hopes of private gain; and if not guilty, ought not to have been laid in prison and in irons, and by those hardships forced to become his servants, rather than endure them: But a man that could, after taking up adrift several cask of flour, deny them to the owner, and sell ’em, is capable of any thing that is ill; and how fit for so honourable a post as one of her majesty’s council, or indeed any other place of trust in this government, is most humbly submitted to your excellency’s consideration.

‘Were there nothing against Mr. Peter Sonmans, but his being indicted for perjury; from which by a pack’d jury he was cleared, as appears by the memorial (No. 4.) there being but too much reason to believe he was justly accused; it would be no mean reason to lay him aside from her majesty’s council; it being some sort of reflection to continue a person even supposed guilty of so heinous a crime, in so high a post, which her majesty in a particular manner has endeavoured to secure the honour of, by directing in
her

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‘her instructions, that *no person necessitous or much in debt shall be of it* ; much less a person known to be a bankrupt, as Sonmans is, and who at this time, and for some years past, has lived in open and avowed adultery, in contempt of the laws, which his being in power not only protects him from being punish’d, but enables him to carry on his wicked designs, by imposing on the honest and simple people, who suspect no trick from a person of his rank ; as appears by the depositions (No. 5.) relating to the Amboy petition against dr. Johnston and mr. Reid ; and to stretch and warp the laws, to the manifest prejudice, ruin and undoing of many of her majesty’s subjects, whose complaints from the several parts of the province, (so unfortunate as to be under his direction,) we make no doubt has long e’er this reach’d your excellency’s ears ; and which, we persuade ourselves, will, when your excellency is satisfied with the truth of them, have their proper effects.

‘The courts of law in which the gentlemen of the council were judges, instead of being a protection and security to her majesty’s subjects, of their liberties and properties, in disputes that came before them, became the chief invaders and destroyers of them both ; and what should have been the greatest benefit, proved the greatest grievance ; as we we shall instance in a few of the many things we could : And first, notwithstanding her majesty, for the ease of her subjects here, has been pleased to appoint the supreme court of this province to be held alternatively at Amboy in the eastern, and Burlington in the western division of this province ; yet the causes of one division are tried in the other, and juries and evidences carried for that end, at the great and needless charge of those concerned, as well as great expence and loss of time to the people in general ; who can receive no benefit by the courts being held alternatively, if the ends for which they are so held, be not answered, and causes tried in the same division to which they do belong ; besides it is a practice of very mischeivous
‘consequence,

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' consequence, making the people entirely depend on
 ' and be subject to the judges of the said court, who
 ' can by that method, lay any persons they do not like,
 ' under the necessity of being at the beforementioned
 ' charge, and make them that way sensible of their
 ' resentments; which, as we have instanced, they
 ' have been too ready and willing on all occasions to
 ' do: Secondly, the writ of habeas corpus, the un-
 ' doubted right, as well as great privilege of the sub-
 ' ject, was by William Pinhorne, Esq; second judge
 ' of the supreme court, denied to Thomas Gordon,
 ' Esq; then speaker of the assembly; and, notwith-
 ' standing the station he was in, was kept fifteen hours
 ' a prisoner, until he applied by the said Pinhorne's
 ' son, an attorney at law, and then, and not before,
 ' he was admitted to bail; which fact as well as other
 ' things, may appear by the said Gordon's case (No. 6)
 ' now laid before your excellency. The proceedings
 ' against a person in that station, and at that time,
 ' made it but too evidently appear, that the said Pin-
 ' horne would not stick to join with the lord Cornbury
 ' in the most daring and violent measures, to subvert
 ' the liberties of this country; and cannot be look'd
 ' on by this house, or any succeeding assembly, duly
 ' considering the procedure and the address above-
 ' mentioned, afterwards signed by him, but as a
 ' person ready and willing on any occasion, to attempt
 ' upon their liberties, and overthrow them if he can;
 ' and how safe we can think ourselves while he conti-
 ' nues in power to hurt, is most humbly submitted.

' Many persons prosecuted upon informations, have
 ' been, at their excessive charge, forced to attend court
 ' after court, and not brought to tryal, when there was
 ' no evidence to ground such informations on; but they
 ' kept prisoners in hopes that some might be in time
 ' procured; and two of them, to wit, David John-
 ' ston and his wife, after some weeks imprisonment,
 ' not admitted to bail till they entered into a recogni-
 ' zance, the condition of which was, *That if the lord*
 ' *Cornbury was dissatisfied with admitting them to bail,*
 ' *upon*

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‘ upon notice thereof signified to them, they should return to their imprisonment: His lordship was dissatisfied, and Leeds and Revell, who took the recognizance, sent their orders to them to return according to the condition of it.

‘ Actions have been suffered to continue, after the persons in whose names they were brought, have in open court disavowed them, declaring they had never given orders for any such actions to be brought.

‘ Actions upon frivolous pretences have been postponed, and the tryals delayed to serve particular persons, when the juries and evidences were all ready, and attending on the tryals.

‘ Though it be the right of the subject, by proper writs, to remove actions from any inferior to a superior court; yet at the court of sessions held at Burlington, in December 1709, colonel Daniel Coxe, colonel Hugh Huddy, colonel Thomas Revell and Daniel Leeds, esquires, justices of the said county, did reject a writ of certiorari, obtained by mr. George Willocks, and allowed by Roger Mompesson, chief justice, and committed said Willocks till he entered into recognizance, to appear at the next court of oyer and terminer.

‘ The case of Peter Blackfield, who by a mistake or design, was divested of his estate, and ruined; is so well known to your excellency, that we need say nothing more about it.

‘ The people called quakers, who are by her majesty admitted to places of the most considerable trust within this province, are sometimes admitted to be evidences; as one Mr. Beaks, a quaker, was in a capital case against one Thomas Bates, at a court of oyer and terminer, held by justice Mompesson, col. Coxe, col. Huddy, and others; on which evidence, he was condemned to be executed; and sometimes they have been refused to be jurors or evidences, either in civil or criminal cases; so that their safety, or receiving the benefit of her majesty’s favour, seems not to depend on the laws, or her directions, but the humours

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‘humours and capricios of the gentlemen who were
 ‘judges of the courts: We, with all humanity, take
 ‘leave to inform your excellency, that the western
 ‘division was settled by those people, who combated
 ‘with all the inconveniencies attending a new settle-
 ‘ment; and with great difficulty and charge, have
 ‘from a wilderness improved it to be what you now
 ‘see it is; there are great numbers of them in it, and
 ‘should they not be admitted as evidences or jurors,
 ‘they would be very unsafe; for it is in the power of
 ‘ill men, to come into their religious assemblies, and
 ‘murder as many as they please, and with impunity,
 ‘tho’ look’d on by hundreds of quakers; or break
 ‘open their houses and rob with safety; and the
 ‘encouragement the gentlemen of the council have
 ‘given to the meanest of the people, to abuse them,
 ‘confirms us in the opinion, that there wants not
 ‘those who have will enough to perpetrate the greatest
 ‘mischiefs on that people, when they can escape the
 ‘punishment due to their crimes.

‘The procedure of the whole body of the council,
 ‘in relation to Mr. Barclay, is a demonstration of
 ‘their arbitrariness and partiality, as by his case, (No.
 ‘7.) now laid before your excellency, will more fully
 ‘appear: When he produced a commission before
 ‘them, from the proprietors in England, which super-
 ‘ceded that lame one given to Mr. Sonmans; they
 ‘(as appears by an order of council) took the said
 ‘commission from him; than which nothing could
 ‘be more arbitrary and unjust; for that commission
 ‘was the property of Mr. Barclay, and he had the
 ‘right of executing the powers of it; and if any
 ‘persons was aggrieved, or the commission not good,
 ‘the law was open to dispute it; and a copy of it sent
 ‘to the queen would have answered all the just ends
 ‘that sending the original could do: It was indeed a
 ‘short way of determining in favour of Peter Son-
 ‘mans, and putting it out of the power of Mr. Bar-
 ‘clay, to right himself, during that administration:
 ‘The gentlemen may call this a strenuous asserting of
 ‘the

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‘the queen’s prerogative royal ; but we can call it by no
‘other name than an open robbery, committed in their
‘judicial capacity, under a pretence of authority ; than
‘which nothing could be worse, or of more pernicious
‘consequence.

‘To conclude, all persons not friends to the gentle-
‘men of the council, or some of them, were sure in
‘any tryal at law to suffer ; every thing was done in
‘favour of these that were : Justice was banish’d, and
‘trick and partiality substituted in its place : No man
‘was secure in his liberty or estate ; but both subjected
‘to the caprices of an inconsiderate party of men in
‘power, who seemed to study nothing more than to
‘make them as precarious as possible. Your excellen-
‘cy’s coming, has put a check to that violent torrent
‘of injustice and oppression, that bore down every
‘thing before it ; and we hope, that during your admi-
‘nistration, ill men will not have authority to hurt,
‘nor their representations gain any credit with a person
‘so able to discern the motives of them ; which are
‘no other, than the gratification of their own resent-
‘ments, even at the price of the publick safety, as
‘we have in great measure already proved ; and their
‘proceedings now does plainly confirm what we have
‘offered ; for what can be the intent of rejecting our
‘bills without committing of them, but to irretate us to
‘that degree, that nothing might be done, either to-
‘wards the support of the government, or the settling
‘of a militia, that they might have wherewithal to
‘justify themselves in what they have said of us ? What
‘was the cause of their rejecting the bill for preventing
‘of corruption in courts of justice, but the consci-
‘ousness of their own crimes, and the fears they had
‘of that examine, which must necessarily have exposed
‘their conduct to a due censure ? What was it that made
‘them throw out the bill against bankrupts (though
‘made by her majesty’s express direction) and profess
‘themselves against any bill whatsoever on that head,
‘but the dread they had of feeling the just consequen-
‘ces of it themselves ? Nay, one of them, William
‘Pinhorne,

'Pinhorne, esq; by name, was pleased to say, it was
 'with horror and amazement he beheld a bill, with that
 'title; we are not so fond of the bill as it was drawn,
 'but that we would have readily joined with the council
 'in any reasonable amendments, had they offered
 'them; but we think no honest man could be against
 'a bill that makes the estates of persons becoming
 'bankrupts, liable to pay their just debts; and we
 'hope New-Jersey won't long be a sanctuary for such.
 'The bill, entitled, *An act for enabling persons ag-*
 '*grieved by an act for settling the militia of this pro-*
 '*vince*, was, to make the distresses unreasonably and
 'illegally made on pretence of the militia act, return-
 'able to the owners, and to punish the persons that did
 'it; but this they will not pass, knowing that so just an
 'act would be attended with consequences they can by
 'no means bear; the instruments of that oppression being
 'to be protected by them at any rate, and nothing to
 'be heard against them, because they were officers of
 'the government, tho' their practices were never so
 'unreasonable or unjust, and her majesty's subjects
 'left remediless, and must patiently sit down, after
 'having their houses and plantations plundered, and
 'their persons abused by a crew of needy and mer-
 'cenary men, under pretence of law; but it was such
 'persons that were useful to them, and such they must
 'for their own safety, protect: 'Tis for this reason
 'they combine together, to secure, as far as they are
 'able, Jeremiah Bass, their clerk, the secretary of
 'this province, and prothonotary of the supreme
 'court; in all these offices his pen is to be directed by
 'them; they dread an honest man in these offices:
 'How he has behaved himself, is in some measure
 'known to your excellency, especially in the case of
 'Dennis Linch, the Maidenhead people, and Peter
 'Blacksfield; the two last are notorious malversations
 'in his office, and appear under his hand, and by the
 'minute books of the supreme court; and it is no
 'excuse in him, when men are turned out of their
 'estates and ruin'd, to say, it was a mistake; if such
 'an

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‘an excuse would do, it is very easily made on any
‘occasion ; and in this province, can be safe, when such
‘a person continues in offices of so great trust.
‘All the original copies of the laws passed in the time
‘of the just lord Lovelace, are somehow or other
‘made away with ; Bass offers to purge himself by his
‘oath, that he has them not, nor knows any thing of
‘them ; and it may be so for aught we know ; but in
‘this province where he is known, it is also known,
‘that few men ever believed his common conversation,
‘and several juries have refused to credit his oaths ; he
‘corroborates what he says with the evidence of Peter
‘Sonmans, one of the council, a person once indicted
‘for perjury ; and how he was cleared, the aforesaid
‘memorial makes out ; so that we do not think him
‘a person of sufficient credit to determine that point.
‘It is certain, that the secretary’s office is the place
‘those laws ought to be in, and he ought not on any
‘pretence to have parted with them out of the pro-
‘vince : It is certain, the lieutenant governor ought,
‘within three months after the passing of them, to
‘have sent copies of them to the lords commissioners
‘for trade and plantations, and duplicates of them by
‘the next conveyance after ; and this under pain of her
‘majesty’s highest displeasure, and the forfeiture of
‘that year’s salary, on which he should *on any pretence*
‘*whatsoever* omit the doing of it ; how comes it then
‘about, that neither the secretary Bass, nor mr. Cock-
‘rill, private secretary to the lord Lovelace, and who
‘lived six months after his master’s death, was never
‘examined about them ? Mr. Cockrill could have
‘cleared up that matter while alive, if the lieutenant
‘governor could be thought so grossly to neglect what
‘he knew to be his duty ; why did not mr. Bass apply
‘to him in all that time for those laws ? If he had
‘parted with them, as he pretends, so much against his
‘will, it was very natural to suppose he would have
‘used the utmost application to get them again ; yet no
‘one enquiry is said to be made after them, either by
‘Bass or the lieutenant governor, of the lady Love-
‘lace,

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‘lace, who staid in New-York long after the death of
 ‘her lord, or of his secretary; nor no noise at all made
 ‘about them till this time, so long after the arrival of
 ‘your excellency; can any body think it was the inte-
 ‘rest of either the lord or lady Lovelace, or his secre-
 ‘tary, or any of his lordship’s friends, to destroy a
 ‘law which gave the lord Lovelace eight hundred
 ‘pounds, and without which he could not have it? but
 ‘it does appear to be the interest of the lieutenant go-
 ‘vernor and his friends to destroy it; for they had got
 ‘an act passed, which took from the lord Lovelace
 ‘three hundred and thirty pounds of that money, and
 ‘gave it to the lieutenant governor; and two hundred
 ‘and seventy pounds more of it was given to him for
 ‘the support of the government. Had he sent the
 ‘act made in favour of the lord Lovelace, to the
 ‘queen for her approbation or disallowance, and her
 ‘majesty had approved of it, as in all probability she
 ‘would have done, then the act made in colonel In-
 ‘goldsby’s favour had been void; but had the other
 ‘gone home first, there was an expectation it might pass,
 ‘the queen knowing no more about the first act, than
 ‘that a vote had passed in favour of the lord Lovelace.

‘And to make it plainly appear, that colonel Ingolds-
 ‘by, and the gentlemen of the council, were appre-
 ‘hensive of the danger of sending those acts to Eng-
 ‘land; to the act we have now past, for making the
 ‘printed copies as effectual as if the originals were in
 ‘the secretary office, that your excellency may be
 ‘enabled to transmit them to her majesty; they have
 ‘added a providing clause, that the act made in col-
 ‘Ingoldsby’s time, (which takes that money from the
 ‘lord Lovelace) shall not by this act we have past, be
 ‘made void in the whole or any part thereof; but con-
 ‘tinue in full force and virtue, as if this act had never
 ‘been made: This amendment they insist on, tho they
 ‘knew, and do know, we will never agree to a clause
 ‘so foreign to the title and intent of the bill; but this
 ‘is done by them, with design that the bill shall not
 ‘pass; by which means her majesty will be without
 ‘authentic

A. D.
1710.

‘authentick copies of the acts, during that good lord’s
‘administration ; and they hope will confirm the acts past
‘in colonel Ingoldsby’s time: What we have said on
‘this head, shews very plainly who are the persons
‘that ought, with most reason to be charged, with the
‘making away those original laws.

‘We are concerned, we have so much reason to ex-
‘pose a number of persons, combined to do New-
‘Jersey all the hurt that lies in their power: Her ma-
‘jesty has been graciously pleased to remove colonel
‘Richard Ingoldsby from being lieutenant governor,
‘and we cannot sufficiently express our gratitude for
‘so singular a favour; and especially for appointing
‘your excellency to be our governor: We have all the
‘reason in the world to be well assured, you will not
‘forget that you are her subject; but will take care that
‘justice be duly administered to the rest of her subjects
‘here; which can never be done while William Pin-
‘horne, Roger Mompesson, Daniel Coxe, Richard
‘Townley, Peter Sonmans, Hugh Huddy, and Wil-
‘liam Hall, or Jeremiah Bass, Esqrs, continue in
‘places of trust, within this province; nor can we
‘think our liberties or properties safe while they do; but
‘if they are continued, must with our families desert
‘the province, and seek some safer place of abode:
‘We shall wait till your excellency can transmit accounts
‘of the state of this colony, to her majesty; and assure
‘you, that we will on all occasions very readily, to
‘our power, comply with her majesty’s directions, and
‘be wanting in nothing that may conduce to make
‘your administration happy, both to yourself and
‘us.

Signed by order of the house of representatives.

Die Veneris, A. M. {
9 Feb.---1710 }

WILL. BRADFORD, Clk.

This representation was received kindly by the
governor; he answered, ‘that her majesty had given
‘him directions to endeavour to reconcile the differe-
‘nces, that were in this province; but if he could
‘not

‘not, that he should make a just representation to her ;
 ‘and that he did not doubt, but that upon the repre-
 ‘sentation he should make, her majesty would take
 ‘such measures, as should give a general satisfaction.

A. D.
 1710.

The governor accordingly backing the remonstrance to the queen, got all the counsellors removed, that were pointed out by the assembly, as the cause of their grievances, and their places supplied by others : The business of this session being finished, the governor prorogued the house.

CHAP. XXI.

A session of general assembly : A second expedition to Canada : Meeting of a new assembly : They quarrel : Some members desiguedly absent themselves : Expelled the house : Several of them again returned, and refused seats : A fruitful session at Crosswicks : Last session in Hunter's time : An act passed for running the division line between East and West-Jersey : William Burnet arrives governor : An uncommon wet harvest : Governor Burnet meets a new assembly.

GOVERNOR Hunter, convened the assembly in the summer, 1711, and opened business, with telling them, That her majesty's instructions which he was commanded to communicate, would discover the reason of his calling them together, at this time ; and that he doubted not the matters therein contained, would be agreeable to them, and the success profitable.

A. D.
 1711.

Gover-
 nor's
 speech.

That the fleet and forces destined for the reduction of Canada, were arrived in good health and condition, and would proceed in a little time ; that what was required on their parts, was the levying in each division 180 effective private men, besides officers, and to provide for their encouragement, pay, and provisions,

‘as

A. D.
1711.

as well as transportation over the lakes, and other incidental charges attending the service.

Second
paper
bills of
credit.

The assembly resolved to encourage this expedition, by raising to the value of 12 500 ounces of plate, in bills of credit,^k to be sunk, together with the former £. 3000, by a subsequent tax; and provided bills for raising volunteers to go on the expedition, and for emitting the money.

The governor passed the bills, and dismissed them with thanks, for the cheerful dispatch they had given.

Second
expedition
on to Can-
nada.

This was a second expedition against Canada, and made a formidable appearance: Nicholson's designs having hitherto, by various disappointments, failed; he now, under the scheme of reducing all Canada, and thereby engrossing the cod fishery, so prevailed on the new ministry, that the regiments of Kirk, Hill, Windress, Clayton, and Kaine, from Flanders; Seymour's, Disney's and a battalion of marines from England, under the command of brigadier Hill, were sent to him, on this occasion; they came in 40 transports, under convoy of 12 ships of the line of battle, commanded by admiral Walker; several frigates, two bomb vessels; and brought a large train of artillery, under col. King, with forty horses, and six store ships; they arrived at Boston early in the summer.

Fleet ar-
rives.

Congress.

By orders from home, a congress was held at New-London, of all the plantation governors, north of Pennsylvania, with Nicholson, to adjust the measures to be fallen upon: Two regiments from the Massachusetts, Rhode-Island, and New-Hampshire, joined the British forces; while the militia from Connecticut, New-York, and New-Jersey, with the Indians of the five nations, under Nicholson, marched by land from Albany, to attack Montreal: The fleet being retarded
at

^k. Equal to £. 5000 currency, at that time.

at Boston for want of provisions, occasioned admiral Walker, in a letter to governor Dudley of Boston, to write, 'I concur with the opinion of all the sea and land officers here, that the government of this colony have prejudiced the present expedition, instead of assisting it.' The fleet consisting of 68 vessels, and 6463 troops; anchored in the bay of Gaspee, on the south side of the entrance of the river St. Lawrence, to take in wood and water, on the 18th of the month called August, and the 23d in the night, contrary to the advice of the pilots, weighed anchor in a fog, fell in with the north shore, and lost 8 transports and 884 men upon the island of Eggs: A council of war was called, who resolved, that by reason of the ignorance of the pilots, it was impracticable to proceed, and that advice should be sent to recall general Nicholson from proceeding to Montreal; which done, and the fleet returning, anchored in Spanish River, off Cape Breton, September 4; and there, in a council of war it was resolved, not to attempt any thing against Placentia, but to return to Great-Britain: They sailed for England September 16, and arrived at St. Helens the 16th of October: The Edgar, with the admiral's papers, was blown up: This prevented other particulars of the expedition transpiring; thus concluded, at a great expence of men and treasure, an affair above three years in agitation.

A. D.
1711.

Several
transports
lost.

Fleet re-
turns.

Edgar
blown up.

In 1712 died Thomas Gardiner, of Burlington, several times mentioned before; he was well acquainted with publick business, a good surveyor, and useful member of society; several years one of the council, treasurer of the western division, and the first speaker of assembly after the union of the governments, East and West Jersey.

1712.
Death of
the second
T. Gar-
diner.

The 7th of December, 1713, the governor called the assembly, and next day informed them, that he

1713.
Assembly
meets.

A. D.
1713.

was glad to see them after so long absence, and believed they were not sorry to meet him in so good company; *l.* that the tender regard her majesty had to their quiet, in particular at a time when she had blessed the world with a general peace, called for their pious endeavours and could not fail of meeting the returns due from the most grateful people, to the best and most indulgent princes; that he was persuaded the efforts of such as had been removed from places of trust by the queen, at their request, would be too impotent to destroy the peace, by breaking that mutual confidence, or disturbing that harmony, that then subsisted between the several branches of the legislature; that full of this confidence, he recommended to their immediate care, the providing for past arrears, and future support of her majesty's government, the discountenancing vice and immorality, the improvement of trade and encouragement for planting and peopling the province; that this could not be better effected than by a law to affirm and ascertain the respective properties of the proprietors and people, if they thought it practicable.

That the gentlemen of the present council, having no views or interests differing from theirs, if they would agree to frequent and amicable conferences with them, or a number of them, upon all matters under deliberation, it would save much time and effectually disappoint all contrivances of their enemies; 'who in return for their being at present no councillors, had 'ridiculously endeavoured to persuade some that they 'were no assembly.'

Assembly's
address.

The assembly replied, That they were indeed glad to meet him in such good company, and as the persons
who

l. Meaning the change of councillors, William Pinhorne, Daniel Coxe, Peter Sonmans and William Hall, had been suspended, and a mandamus since arrived, appointing John Anderson, Elisha Parker, Thomas Byerly, John Hamilton and John Reading

A. D.
1713.

who had hitherto obstructed the welfare of their country, were removed, they presum'd on the favour oftener than heretofore; they acknowledged themselves under the greatest obligations to the best of queens, and hoped their actions would demonstrate they were not ungrateful.

Among other bills passed this session, was that entitled, 'An act that the solemn affirmation and declaration of the people called quakers, shall be accepted instead of an oath in the usual form, and for qualifying and enabling the said people to serve as jurors, and to execute any office or place of trust or profit within this province.'

This bill was introduced by the governor's communicating to the house the queen's instructions on that head, after it was fully adjusted by the council and assembly: the second enacting clause was thought to be designedly left out by the secretary, who had it to engross, it so passed the council without being perceiv'd; but on reading it again in the assembly it was discovered, and the secretary making his acknowledgment at the bar of the house, it passed over: This act continued till the year 1732, and then was supplied by that now in force.

Other laws also passed; this session concluded to mutual satisfaction.

'I thank you,' says the governor in his concluding speech to the house, 'for what has been done this sessions for the support of this her majesty's government, and do not doubt, but that you will receive ample thanks from those who sent you, for the many good laws that have been passed; some things that in their nature were acts of favour, I have agreed that they should be made acts of assembly, that your share may be greater in the grateful acknowledgment of your country.

I

A. D.
1713.

‘I hope my conduct has convinced the world, (I cannot suppose you want any further conviction) that I have no other view than the peace and prosperity of this province; if such a few as are enemies to both, are not to be reduced by reason, I shall take the next best and most effectual measure to do it.

No historical occurrences intervening, we pass on to the year 1716.

1716.

Governor Hunter met a new assembly at Perth-Amboy, in the spring, who chose col. Daniel Coxe, speaker; ^{m.} being presented and accepted, the governor by speech informed them,

That the dissolution of one assembly by the demise of the late queen, of another by the arrival of a new patent from the present king, constituting him governor of the province, and of a third by reason of a circumstance well known, together with the long sessions at York, and his necessary attendance on the service of the frontiers, had been the occasion of putting off their meeting till now; that on his part he brought with him a firm purpose for the advantage of the subject and service of the crown; which, (says he) I have ever pursued, and now bid a fair defiance to the most malicious to assign one single instance in which I have acted counter to what I now profess, notwithstanding the false and groundless accusations and insinuations to the contrary, from two persons on the other side, who

m. The members, *Town of Burlington*, Daniel Smith, Samuel Smith. *County of Burlington*, Jacob Doughty, Jacob Hewlings. *Gloucester*, Colonel Daniel Coxe, Richard Bull. *Town of Salem*, William Hall, Henry Joyce. *County of Salem*, William Clews, Dickinson Shephard. *Cape May*, Jacob Spicer, Jeremiah Bass. *Perth-Amboy*, William Eirs, John Harrison. *Middlesex*, John Kinsey, Charles Morgan. *Essex*, Josiah Ogden, Joseph Bonnell. *Bergen*, David Akerman, Henry Brockholst. *Monmouth*, Elisha Lawrence, William Lawrence. *Somerset*, Benjamin Clark, Thomas Hall.

‘who pretended to have been instructed from this;
‘which though they met with that contempt at home
‘they deserved, I could not without injustice to myself
‘let pass unmentioned here.’

A. D.
1718.

The assembly being now conven’d at Amboy, when it ought in turn to have been at Burlington, were determined to remonstrate against the infringement of the usual custom of alternately meeting at each of those places, and accordingly represented to the governor, that in the year 1709, an act was passed, entitled, ‘An act ‘for ascertaining the place of the sitting of the representatives, to meet in general assembly;’ that in March, 1710, the aforesaid act was confirmed, finally enacted and ratified by her late majesty, with the advice of her privy council, and transmitted to him (the governor) by the lords commissioners for trade and plantations, the 16th of said month.

That as they found themselves entirely inclinable to pay all due regard and obedience to his majesty’s and the governor’s commands, so they could not but think it their duty to maintain the known establish’d laws of the province.

And as that law had the royal sanction, and had gone through all the usual forms both here and in Great-Britain, necessary to the confirming and perpetuating of it, they were of opinion it was still in force.

The governor replied, That his majesty’s instructions, which were laws to him, having restored that affair to the just and equal footing upon which it was put by, and at the time of the surrender of the government by the proprietors, he could not give his consent to any alteration, or give way to anything that might elude the intent and purpose of that instruction without giving juster grounds of complaint against him, than he had hitherto given; and that he had reasons of
great

A. D.
1716.

great weight, made it impracticable for him to hold either council or assembly at Burlington, at this time.

The dispute being principally founded on the new commission to the governor, upon the accession of K. George the first to the throne; the assembly thought proper to let it drop, and pursue what was before them at the place where they were then conven'd; matters however went heavily on; the speaker disliked the governor, and influenced many of the members: The governor saw there was no prospect of their answering the design of their meeting at that time, so prorogued them.

Members
refuse at-
tending.

He summoned them to meet again at Amboy *on the 14th of May*, when only nine members appearing they waited five days, and then presented an address, requesting the governor would take such methods as he should see meet, to cause the absent members to attend the service; he sent warrants to several of them, commanding their attendance, as they would answer the contrary at their peril; four presently appeared, and there being now thirteen met, the governor sent for them, and recommended their meeting at the house and choosing a speaker, (for their speaker was absent among the rest) in order to enable themselves to send their serjeant at arms for those that were still absent.

The thirteen met the 21st, but the speaker still absent; they proceeded to a new choice, and placed John Kinsey in the chair.

This done, and the new speaker presented, the governor delivered his speech:

‘Gentlemen,

‘The last time you were here upon the like occasion, ‘I told you, that I thought fit to approve of whatever ‘choice you thought fit to make of a speaker: I now ‘tell you that I heartily approve of the worthy choice ‘you have made.

‘As

A. D.
1716.

‘ As the conduct of that gentleman who last filled
 ‘ the chair, sufficiently convinced you of a combination
 ‘ between him and his associates, to defeat all the
 ‘ purposes of your present meeting : I hope, and can-
 ‘ not doubt but it will open the eyes of all such as by
 ‘ his and their evil acts, and sinistrous practices, have
 ‘ been misled and imposed upon ; so that for the
 ‘ future, here they will not find it so easy a matter to
 ‘ disturb the peace of the country.

‘ I must refer you to what I said at the opening of
 ‘ the assembly ; but harvest drawing near, I am afraid
 ‘ you’ll hardly have time for more business than what
 ‘ is absolutely and immediately requisite ; that is the
 ‘ support of the government, and the publick credit,
 ‘ you know that the date of the currency of your bills
 ‘ of credit is near expiring, so there will be wanting a
 ‘ new law to remedy the evil that must attend the
 ‘ leaving the country without a currency for ordinary
 ‘ uses, as well as trade.

ROBERT HUNTER.

The house then examined into the conduct of their
 late speaker, and the absent members, who on the
 question, were all at different times severally expelled,
 for *contempt of authority and neglect of the service of
 their country*, and writs issued for new elections.

The 8th of next month soon after the speaker’s
 exclusion, but before the other members were expelled,
 the assembly presented their address as follows :

‘ May it please your excellency,

‘ Your administration has been a continued series of
 ‘ justice and moderation, and from your past con-
 ‘ duct we dare assure ourselves of a continuation of it,
 ‘ and we will not be wanting in our endeavours to
 ‘ make suitable returns, both in providing a handsome
 ‘ support of the government, and of such a continuance
 ‘ as may demonstrate to you and the world, the sense
 ‘ we have of our duty and your worth.

‘ The

A. D.
1716.

‘The gentleman, our late speaker, has added this
‘one instance of folly to his past demeanour, to con-
‘vince us and the world, that in all stations, whether
‘of a counsellor, a private man, or a representative,
‘his study has been to disturb the quiet and tranquility
‘of this province, and act in contempt of laws and
‘government; we are sensible of the effects it has had,
‘and may have on the publick peace; and our expul-
‘sion of him, we hope evinces that we are not the
‘partisans of his heat and disaffection to the present
‘government; we are very sorry he has been capable
‘to influence so many into a combination with him, to
‘make effectual his ill purposes; but we hope it is
‘rather the effect of weakness than malice, and that
‘their eyes are now so much opened that they’l return
‘to their duty, and join with us in providing for the
‘publick credit, and whatever else may make this pro-
‘vince happy, and your excellency easy.

Next the assembly resolved, ‘That the late members
‘whom they had expelled, should not sit as members
‘of the house if they should be returned on a new
‘election, during this sessions of assembly.’

Notwithstanding this resolve, several of the same
members were returned; but refused seats in the house,
and the electors obliged to choose over again.

The governor then prorogued them to the 3d of
October. In November the same house met at Cros-
wicks,ⁿ the small-pox being at Burlington; the gover-
nor opened the business of this session by telling them,
That supporting government and publick credit, re-
quired their immediate deliberation; that they knew
the funds for the first had expired fifteen months ago,
and that the other had suffered much by the obstinacy
of some in refusing the payment of taxes, or remis-
ness

ⁿ. The true Indian name of this place is supposed to be Closs-
weeksung, *a separation*.

ness in others in collecting or putting the laws in execution, sufficient (if duly executed) to have answered the end, and in a great measure prevented or remedied that evil; that he doubted not they were now met with a good disposition, as well as in full freedom, all clogs and bars being removed, to pursue to effect the good ends of their meeting, and to make good their engagements and promises in several addresses; that the true interest of the people and government were the same; to wit, a government of laws, that no other deserved the name; that this was never separated or separable but in imagination by men of craft, such as were either abettors of lawless power on the one hand, or confusion and anarchy on the other; that the first was not the case of this province, and we had well grounded hopes, that all endeavours towards the latter were ceased.

A. D.
1716.

This session proved long and fruitful: It held above two months; sixteen publick and private bills received the governors assent.

In 1718 died Samuel Smith, one of the members of assembly for Burlington; he had sought happiness in the quiet of obscurity, but being against his inclination called to this and other publick stations, he passed thro' them with a clear reputation: In private life he was inoffensive, benevolent, steady and respected. *o*.

1718.

This year was remarkable for an uncommon storm of hail: It fell larger than had been remembered before in the provinces, it killed many wild pigeons, and other birds, and did considerable damage.

In

o. He with five of his brothers, John, Daniel, Joseph, Emanuel and Richard, and one sister, removed from near Bramham, in Yorkshire, at different times; but mostly in and about the year 1691. Daniel served the publick several years faithfully in assembly, and died in 1742. Richard was 12 years one of the council, and died the latter end of 1750.

A. D.
1718.

In the beginning of summer 1742, another happened with a strong gust of wind, accompanied with some rain and hail of very uncommon bigness ; in one house it was said to have struck 28 holes through the roof ; the damage to the grain in some places was so great, that the farmers began to forbear selling their last year's stock, lest they should want bread ; at Amwell, a boy was said to be kill'd, and others very much hurt.

Such another happened in the spring 1758 : It came from the north, the hail in large stones continued for 8 or 10 minutes, and abated gradually ; it drifted in some places 6 inches thick, it went in a vein as it commonly does) about a mile and a half broad : The destruction of green corn and gardens were great, and the trees had their young leaves shattered to pieces.

In the spring governor Hunter again met the assembly at Perth-Amboy ; but at the desire of the members, their private affairs interfering, they were adjourn'd to the winter, when meeting he made a speech, setting forth :

That the revenue was sometime since, expired ; that when this came under consideration, he desired an augmentation of the officers salaries ; that in former acts they were so scanty and so retrench'd from what they had been, that the officers were not enabled to perform their respective duties.

That the assembly of New-York, had passed an act for running the division line, betwixt this province ; and that upon supposition, that another for the same purpose would be passed here ; that the justice due to the proprietors and the disturbances among the people, made such a law immediately necessary ; that he had formerly recommended their providing for an agent at the court of Great Britain, and now repeated it ;
that

that the lords commissioners for trade, had in several of their letters complained of the want of one; that this was the only province in his majesty's dominions, that had none; that by means of this omission their business in England stood still; that what could not be delayed without danger or loss to the publick, since his administration had been negotiated by persons employed by him, at his own very great expence, which he hoped they would consider; that as to projects of trade, he had no reason to change his opinion since they last met; that to this subject he referred them on what he then spoke *p*.

A. D.
1710.

The assembly said in their address, That they were not insensible the present circumstances of the government as well as of the country, made their meeting necessary, notwithstanding the rigour of the season; that they were not unmindful that the revenue was expired, nor of their duty in a reasonable support; that they were willing to pass an act for running the division line betwixt this province and New York; but conceived the expence of that affair belonged to the proprietors of the contested lands; that they were very sensible an agent for the province at the court of Great Britain, was very necessary, but were sorry the circumstances of the province, were such, that they could

Address.

p. The paragraph was as followeth:

'As for the measures of advancing or rather for giving a being to trade amongst you, the generality of you has shewn such aversion to solid ones; and others such a fondness for imaginary or ruinous ones, that without a virtue and resolution of serving those you represent against their inclination, your endeavours will be to little purpose; but if any thing of that nature fall under deliberation, I cannot think of a better guide, than a just inspection into the trade in other provinces, where it is in a good and flourishing condition, the means by which it became so, can be no mystery; where it is otherwise, or has decayed, you will find the true cause of such decay conspicuous: And it is but a rational conclusion, that what has form'd trade or that on which it depends, credit in one place cannot but be the most proper means either to begin it or preserve it in another.'

A. D.
1710.

could not make a suitable provision for so useful an officer; and that they would readily come into any measures that might be effectual to promote the trade and prosperity of the province.

This session produced eleven publick and private bills, among them was one for running and ascertaining the division line betwixt New-Jersey and New-York; but this act was never put in execution further than fixing the north partition point; this was done by indenture made *the 25th of July, 1719*, between R. Walter, Isaac Hicks and Allane Jarrat, surveyor general, on the part of New-York; John Johnston and George Willocks, on behalf of East-Jersey; Joseph Kirkbride and John Reading, on behalf of West-Jersey, and James Alexander, surveyor general, on behalf of both East and West-Jersey; these commissioners and surveyors duly authorized, met at the place, and after many observations of the latitude, unanimously by the deed aforesaid, fixed the north partition point on the nothermost branch of Delaware; which they found to be that branch called the Fish-Kill: This done, the commissioners for West-Jersey thought they were not further concerned; the others, though both greatly interested in having it settled, left it an uncertainty till 1764, when by acts of assembly of both colonies, it was referred to be finally settled and determined by commissioners to be appointed by the crown.

Another act pass'd now, was that for running and ascertaining the line of division between East and West Jersey, *g.* the conditions here not hitherto complied with, this line remains in the same uncertainty the act left it; still a subject of inconvenience and anxiety to many, and seems to call for exertion in those with whom the powers to settle it, are properly lodged.

The

The beginning of the summer this year afforded a fair prospect of a plentiful harvest, much was expected from a great crop in the ground ; a day or two in the beginning proved good weather, but before the grain was secured, showers of rain and a few hours sunshine constantly succeeded each other ; clouds at first small in appearance, spread widely and filled the furrows : the intervals of sunshine encouraged opening the shocks, but were not long enough to dry them ; after several weeks came two days and a half fair weather ; what could be dried and sav'd was now done, the rain then began again, and continued day after day as before, alternate rain and sunshine for near three weeks, so that single ears of corn standing, grew ; thus it continued till the grain was generally reaped, several lost their corn entirely, others saved but little ; this was what is called the wet harvest.

A. D.
1719.Wet har-
vest.

We are now come to the end of governor Hunter's administration, he resigned in favour of William Burnet (son of the celebrated bishop) and returned to England ; he had a ready art at procuring money, few loved it more ; this foible 'tis said drew him into schemes, gaming, and considerable losses : tho' not in all respects accomplished : His address here was engaging and successful, he assented to most of the laws the people wanted, and fill'd the offices with men of character. He had before, so early as the year 1705, been appointed lieutenant governor of Virginia, under George earl of Orkney, and was on his voyage thither taken prisoner to France.

1720.

Governor
Hunter re-
signs.

The assembly at the sessions last mentioned, fixed for salary and incidental charges 600*l.* per annum, for two years this had been the accustomed support, since the surrender, except once in lord Cornbury's time, 500*l.* was provided in the succeeding administrations,

Salary.

A. D.
1720.

tions, till Lewis Morris, came governor of New-Jersey, separate of New-York ; when it was augmented to 1000*l.* per annum, and 60*l.* house rent, with 500*l.* addition the first year, for expences attending his voyage, &c.

Governor
Burnet.

Governor Burnet met the assembly soon after his arrival, but little business was then thought necessary, nor did they very well agree ; that house had been continued a long time, and were now dissolved, and writs issued for a new election.

The members returned, were convened early in the spring, 1721 : they chose dr. John Johnston, speakers.

The governor's speech..

‘ Gentlemen,

Speech.

• ‘ The choice which the country has made of you to represent them, gives me a happy opportunity of knowing their sentiments ; now when they have been fully informed of mine in the most publick manner, I have no reason to doubt, that after so much time given them to weigh and consider every particular, you bring along with you their hearty resolutions to support his majesty's government, in such an ample and honourable manner as will become you to offer, and me to accept ; and in doing this, I must recommend

7. The members of council in his instructions were, Lewis Morris, Thomas Gordon, John Anderson, John Hamilton, Thomas Byerly, David Lyell, John Parker, John Wills, John Hugg, John Johnston, jun. John Reading, Peter Bard.

8. The members of this house were : *Town of Perth-Amboy*, John Johnston, Andrew Redford. *County of Middlesex*, John Kinsey, Moses Rolph. *Somerset*, Robert Lettis Hooper, Thoams Leonard, *Essex*, Josiah Ogden, Joseph Bonnel. *Bergen*, William Provost, Isaac Vangezon. *Monmouth*, William Lawrence, Garrat Schank. *Town of Burlington*, John Allen, Jonathan Wright. *County of Burlington*, William Trent, Thomas Lambert. *Gloucester*, Samuel Cole, John Mickell. *Town of Salem*, John Mason, Thomas Mason. *County of Salem*, Isaac Sharp, Bartholomew Wyatt. *Cape May*, Humphrey Hughes, Nathaniel Jenkins.

‘mend to you, not to think of me,^t so much as of
 ‘the inferior officers of this government, who want
 ‘your care more, and whose salary have hitherto a-
 ‘mounted to a very small share of the publick expence.
 ‘I cannot neglect this occasion of congratulating you
 ‘upon the treasures lately discovered in the bowels
 ‘of the earth, which cannot fail of circulating for
 ‘the general good, the increase of trade, and the
 ‘raising the value of estates: and now you are just
 ‘beginning to taste of new blessings, I cannot but
 ‘remind you of those which you have so long enjoyed,
 ‘and without which all other advantages would but
 ‘have encreased your sufferings, under a Popish king,
 ‘and a French government.

A. D.
 1721.

‘You can ascribe your deliverance from these, to
 ‘nothing but the glorious revolution, begun by king
 ‘William the third, of immortal memory, and com-
 ‘pleted by the happy accession of his present majesty
 ‘king George, to the throne of Great-Britain, and
 ‘his entire success against his rebellious subjects at
 ‘home, and all his enemies abroad.

‘To this remarkable deliverance, by an over-ruling
 ‘hand of providence, you owe the preservation of
 ‘your laws and liberties, the secure enjoyment of your
 ‘property, and a free exercise of religion, according
 ‘to the dictates of your conscience: These invaluable
 ‘blessings are so visible among us, and the misery of
 ‘countries where tyranny and persecution prevail, so
 ‘well known, that I need not mention them, to raise in
 ‘your minds the highest sense of your obligations to
 ‘serve God, to honour the king, and love your
 ‘country.

W. BURNET.

The

^t Whether an alteration in sentiment, or instructions, or both was the cause, must be left to conjecture; but while governor of the Massachusetts Bay, his conduct was different; there he insisted for several years with the greatest firmness on an indefinite support, and pursued it through the plantation board, privy council, and to the parliament, where his death prevented its coming to a conclusion.

A. D.
1721.

The assembly's address.

' May it please your excellency :

' We gladly embrace this opportunity, to assure your excellency, that our sentiments and those we represent, are one and the same, cheerfully to demonstrate our loyalty to our sovereign king George, and submission to his substitute, and readiness to support his government over us in all its branches, in the most honourable manner the circumstances of this province will allow ; which we hope your excellency will accept of, tho' it fall short of what the dignity of his majesty's governor and the inferior officers of the government might expect, were the province in a more flourishing condition.

' We thankfully acknowledge your excellency's congratulation, and doubt not when the imaginary treasures (except mr. Schuyler's) becomes real, the country will not be wanting in their duty to his majesty in making your excellency, and the officers of the government partakers of the advantage.

' We doubt not but your excellency will extend your goodness to countenance any proposal that may tend to the publick utility.

' We hope your excellency will excuse us in falling short of words, to express our thankful acknowledgements to God Almighty and those under him, who have been instruments in working deliverance to that glorious nation to which we belong, from popery, tyranny and arbitrary power, wishing it may always be supplied with great and good men, that will endeavour their utmost to maintain his majesty's royal authority, and assert and defend the laws, liberties and properties of the people, against all foreign and domestic invaders.

' We beg your excellency to believe the sincerity of our thoughts, that there are none of his majesty's subjects that entertains hearts more loyal and affectionate, and desire more to testify their duty, gratitude and obedience to their sovereign king George, his
' issue,

‘issue, and magistrates in their respective degrees, than doth the representatives of his majesty’s province of New-Jersey.

JOHN JOHNSTON, speaker.’

A. D.
1721.

Sundry bills were prepared this sessions, among these, one had a title too singular to be omitted, *A bill against denying the divinity of our saviour Jesus Christ, the doctrine of the blessed trinity, the truth of the holy scriptures, and spreading atheistical books*: Assemblies in the colonies have rarely troubled themselves with these subjects, perhaps never before or since; it probably arose from the governor’s motion, who had a turn that way, and had himself wrote a book to unfold some part of the apocalypse; the bill was however rejected on the second reading in the assembly: The sessions continued near two months, the support was settled 500*l.* a year, for five years; the governor after passing that, and several other bills, dismissed the house with the following speech.

A remarkable bill.

‘Gentlemen,

‘I have so many reasons to thank you for your proceedings in this affair, that should I mention them all, time would not suffice me; two I cannot but acknowledge in a most particular manner; the acts for the cheerful and honourable support, and for the security of his majesty’s government in this province.

Speech at dismissing the assembly.

‘I cannot but say, that I look upon the latter as the noblest present of the two; as I think honour always more than riches: The world will now see the true cause of our misunderstandings in the last assembly, and that we met in the innocency and simplicity of our hearts: that the enemy had sown such seeds of dissention among us, that defeated all our good purposes, and made us part with a wrong notion of one another.

‘It has pleased God now to discover the truth, and no man in his sober senses can doubt that the hand of Joab was then busy, as it is now certain that it has at this time.

‘It

A. D.
1721.

‘It is a peculiar honour to me to be thus justified
‘in all my conduct by the publick act of the whole
‘legislature ; and God knows my heart, that I am not
‘fond of power, that I abhor all thoughts of revenge,
‘and that I study to keep a conscience void of offence
‘towards God and towards man.

‘After the publication of the acts, I desire you to
‘return to your house, and after having entered this
‘speech in your minutes, to adjourn yourselves to the
‘first day of October next ; that tho’ it is not probable
‘we should meet so soon, it may not be out of our
‘power if occasion should be.

‘May 5, 1722.

W. BURNET.’

Governor Burnet, after this, continued to preside over New-York and New-Jersey, till 1727 ; when he was removed to Boston, and succeeded by John Montgomerie, Esq; he continued till his death, which happened in the summer 1731 : To him succeeded William Cosby, Esq; he continued till his death in 1736 : The government here then devolved on the president of the council, John Anderson, Esq; he died about two weeks afterwards, and was succeeded by John Hamilton, Esq; (son of Andrew Hamilton, governor in the proprietors time) he governed near two years. In the summer, 1738, a commission arrived to Lewis Morris, Esq; as governor of New-Jersey, separate from New-York ; he continued till his death in the spring 1746 ; he was succeeded by president Hamilton ; he dying, it devolved upon John Reading, Esq; as the next eldest counsellor ; he exercised the office till the summer 1747, when Jonathan Belcher, Esq; arrived ; he died in the summer 1757, and was succeeded by John Reading, Esq; president. Francis Bernard, Esq; arrived governor 1758 ; was removed to Boston, and succeeded here by Thomas Boone, Esq; in 1760 ; he was removed to South-Carolina, and succeeded here by Josiah Hardy, Esq;
in

in 1761; he was removed, and afterwards appointed consul at Cadiz, &c. and succeeded here in the spring 1763, by the present governor, William Franklin, Esq.

A. D.
1721.

CHAP. XXII.

Occurrences since the year 1721.

HAVING now gone through the accounts proposed to the limited period; what follows are partly matters incidental; the rest tho' not a regular course of events, nor perhaps more important than others omitted, may nevertheless assist in a future Volume, and in the mean time possibly be of some historical service here.

December 29, this year, died William Trent, Esq; chief justice of New-Jersey: He was several years member, and part of the time speaker of the assembly; and being a large trader at Trenton, when that place was laid out for a town, it from him took its name, being before significantly called Little-Worth: He had been also speaker of the assembly of Pennsylvania; he bore the character of a gentleman.

1724.

In November a small earthquake was felt, it began between the hours of ten and eleven at night.

1726.

In this year the following act was passed, which tho' but short, will probably hereafter be found of great importance.

1727.

'An act for the limitation of actions, and for
'avoiding suits in law.

'For quieting men's estates and avoiding of suits:
'Be it enacted by the governor, council, and general
'assembly of this province, and it is hereby enacted
'by the authority of the same, That all the statutes
'now in force, in that part of Great-Britain, called
'England,

A. D.
1727.

‘England, concerning the limitation of actions, real and
‘personal, shall, and are hereby declared to be in force
‘in this province from the publication hereof, as fully
‘and effectually, as if every of them were herein at
‘length repeated and enacted; any law, usage or
‘custom to the contrary in any wise notwithstanding.

Extracts from the proceedings of the house of assembly
of the colony of New-Jersey, John Montgomerie, Esq; governor.

1728.

Extracts
from the
assembly's
minutes
on the sub-
ject of a se-
parate go-
vernment.

‘Die Jovis, 9th of January, 1728. A motion being
‘made, whether the having a distinct governor for New-
‘Jersey, be in the opinion of the house for the advantage
‘of the province, or not? A debate arising thereon,
‘and the question being put, the previous vote was
‘demanded, whether that question be now put or not?
‘it was carried in the affirmative; and then the question
‘was put, whether the having a distinct governor for
‘New-Jersey, be in the opinion of the house, for the
‘advantage of the province, or not? it was carried in
‘the affirmative: Then the house adjourned till three,
‘o'clock, P. M.

‘Three o'clock, P. M. the house met according to
‘adjournment. Resolved nemine contradicente, that
‘the house will enter into consideration, what may be
‘the most effectual method for obtaining a distinct
‘governor for this province hereafter; and it is ordered,
‘that mr. Kinsey, mr. Stacy, mr. Lambert, mr. Eaton,
‘mr. Sonmans and mr. Bonnell, wait on his excellency
‘and council, with this and the last resolve, and desire
‘their concurrence therein, and a conference touching
‘the manner most likely to effect it; and withal, to
‘signify to the governor and that board, that it is in
‘no wise the intention of this house, to give him the
‘least uneasiness (were it in their power) during the
‘time he may continue in commission; but only to take
‘such measures as may best conduce to the end afore-
‘said, when his commission may determine by the
‘king's pleasure or otherwise; and this they conceive

‘a

‘a duty incumbent upon them: Then the house adjourn’d till to-morrow, nine o’clock, A. M.

A. D.
1728.

‘To the king’s most excellent majesty.

‘The humble petition of the representatives of the
‘province of New-Jersey, in America, in general
‘assembly convened.

‘Most gracious sovereign,

‘WE, your majesty’s most loyal and dutiful subjects,
‘the representatives of your province of New-Jersey,
‘in general assembly convened, by the early care your
‘majesty has been pleased to shew for the general benefit
‘of all your people, are animated to believe, that
‘nothing which may contribute to the advantage and
‘prosperity of this, (though small and distant) part of
‘your dominions, will be denied us; we therefore beg
‘leave thus to approach your royal presence, in discharge
‘of that duty we owe to your majesty and to our coun-
‘try, in the most humble manner here to represent:

Their
petition to
the king.

‘That the inhabitants of this colony, (formerly a
‘proprietary government) since the surrender thereof
‘to the crown, have always been under the same go-
‘vernor with your majesty’s province of New-York;
‘that we humbly apprehend it would much more
‘conduce to the benefit of this province, and no pre-
‘judice to that of New-York, were their governors,
‘as are the governments, distinct.

‘It is a peculiar happiness many of our fellow sub-
‘jects enjoy, to be near your royal person, and to par-
‘take of the immediate influence of so good a govern-
‘ment; but since our distance deprives us of that great
‘benefit, it might, (we humbly conceive) in some
‘degree be recompenced, by having a person clothed
‘with your majesty’s authority constantly residing
‘amongst us: This we cannot expect while under the
‘same governor with New-York; that government
‘necessarily taking up so much of our governor’s time,
‘that but a small part of it can fall to our share; and
‘his residence being chiefly there, renders applications
‘to

A. D.
1728.

‘to him from hence, on ordinary occasions, difficult
‘and in extraordinary cases (however willing) he may
‘be unable to relieve until the affairs of that province
‘will permit his coming into New-Jersey.

‘Under the like difficulties, (and for the like reason)
‘we have laboured in respect to our principal officers,
‘who have formerly been inhabitants of that colony;
‘which not only renders them less useful in their several
‘stations, but by spending their salaries there, drained
‘us of money, which would otherwise have circulated
‘amongst us.

‘Our having the same governor with the colony of
‘New-York at first, was (as we humbly conceive)
‘because this province was then in its infancy, the inha-
‘bitants few, and it might justly have been thought
‘too heavy a burthen to maintain a governor of our
‘own; but since we are now much more numerous and
‘are as able and willing to support one, as divers of
‘our neighboring colonies, who enjoy that benefit;
‘we are humbly of opinion, the granting this colony
‘such a governor, might tend to encrease our wealth,
‘and put us in a condition to emulate our neighbours
‘in trade and navigation.

‘We entreat your majesty to believe, that nothing
‘we here say, proceeds from any dissatisfaction to our
‘present governor; on the contrary, we are well pleased
‘with his government, and desire it may continue
‘during your royal pleasure; but all we humbly ask,
‘is, that when your majesty shall think fit to put a
‘period to his government, you will then graciously
‘condescend to bestow a distinct governor on this your
‘colony of New-Jersey.

‘That your majesty may long live to enjoy the crown
‘you wear, with ease and delight, exceeding in honour
‘your illustrious ancestors; that when you part with
‘an earthly diadem, it may be to receive a crown more
‘permanent and glorious, and that Great-Britain and
‘these your dominions, may be always happy in a
‘sovereign, whose virtues are so conspicuous (as in
‘duty

‘duty we are bound) shall be the prayers of, may it
‘please your majesty,

A. D.
1723.

‘Your majesty’s most dutiful and most loyal subjects.

By order of the house,

‘JOHN KINSEY, jun. speaker.’

‘Divers of the members of this assembly being of the people
‘called quakers, concur to the matter and substance of this address,
‘but make some exception to the stile.’

Report of the lords of trade, relating to the separating
the government of the province of New-Jersey,
from New-York.

Report of
of the
Lords of
Trade.

‘To the right honourable the lords of the committee
‘of his majesty’s most honourable privy council.

My Lords,

‘We have considered the humble petitions of the
‘president and council, the speaker, and several mem-
‘bers of the assembly, of his majesty’s province of
‘New-Jersey; of the grand jury of the said province,
‘and mr. Richard Partridge, agent for New-Jersey;
‘together with two other papers annexed to the last
‘mentioned petition; all of them referred to us by
‘your lordships on the 24th day of May last; humbly
‘praying, for the reasons contained, that when his
‘majesty shall nominate a governor for the province of
‘New-York, the province of New-Jersey may not be
‘included in his commission, but that his majesty
‘would be graciously pleased to appoint a separate
‘governor for the said province of New-Jersey.

We have considered the reasons given by the peti-
‘tioners for this separation, and upon the best in-
‘formation we have been able to procure, we take
‘leave to acquaint your lordships, that the allegations
‘of the several petitions appear to be of great conse-
‘quence; and we cannot doubt but that a separate
‘governor, whom the province is willing to support,
‘would be a means to give a quicker dispatch to their
‘publick affairs, to increase their trade and number
‘of people, and very much advance the interest of the
‘province.

‘Wherefore

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1728.

‘Wherefore we are humbly of opinion, that his majesty may be graciously pleased to comply with the prayer of these petitions.

‘We are, my lords, your lordships most obedient and most humble servants.

T. PELHAM.

Whitehall, Aug. 5, 1736.

ORL. BRIDGMAN.

JA. BRUDENELL.’

1730.

In this year died John Hugg, Esq; of Gloucester County: He was about ten years one of the council: Riding from home in the morning, he was supposed to be taken ill about a mile from his house; when getting off his horse, he spread his cloak on the ground to lie down on; and having put his gloves under the saddle girth, and hung his whip through one of the rings, he turned the horse loose, which going home, put the people upon searching, who found him in this circumstance speechless; they carried him to his house, and he died that evening.

1731.

In the spring this year, died in an advanced age, John Barclay, brother of Robert Barclay the apologist; He bore the character of a good neighbour, and was serviceable to the publick in several capacities; but more particularly in Amboy, where he lived and died: He came over early among the Scotch settlers to East-Jersey.

1732.

On the 5th of September, about noon, a small shock of an earthquake was felt.

On the 6th of September, died in the seventy-first year of his age, dr. John Johnston, of Amboy: He was an early settler in East-Jersey; 13 years member of assembly, and ten of the time speaker; he went through several other important offices with reputation. In his practice as a physician, he was knowing and useful, and did many charitable acts; for the poor were generally the object of his particular care.

In

In the spring this year, died Peter Sonmans: He was sometime one of the council for New-Jersey, appointed by queen Anne; but being suspended, he was afterwards twice chosen in the assembly for Bergen; he was agent to some of the proprietors of East-Jersey, surveyor general there, receiver of the quit rents, and ranger of the forests, as well as sea coasts, &c. He was son to Aarent Sonmans, one of the states of Holland; who having purchased a considerable share of propriety in East-Jersey, had intended to have come over; and embarking for that purpose, arrived in England; and riding in company with Robert Barclay for London, was shot by a highway-man, supposed to be an effect of the party confusion in Holland, relating to De Wit: His estate falling to Peter, he became a great proprietor: He had before finished his studies at Leyden, and had borne considerable offices in England, under king William: About 1705 he came over hither to settle, it being his second voyage: He continued much engaged in the business of his offices; but being no oeconomist, he was greatly embarrassed in his private affairs: We have before seen by the publick charges, other imputations he lay under. He published a long vindication of his character; but with what success, is a question not now easily resolved.

A. D.
1734.

In November this year, came to these provinces, by land from Boston, (where he had arrived from London) Sheek Seidit, a native of Berytus, in Syria, (about 60 miles north of Jerusalem.) He was said to be Prince of Syria; but the credentials he produced under the sign manual and privy signet, called him *Unus ex nobilibus civitatis Berytus*; having letters of safe passport, and recommendation to the charity of those where he past.

1737.

He

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1737.

He was reported to have suffered much for his religion in his own country, being by profession a member of the eastern church, tho' situate under the Mahometan or Turkish government, and a tributary prince of that empire: His pretence was,

That a greater quota of soldiers was exacted from him than he was able to furnish, having other tribute to pay, and his country, by several years distress from locusts, and blasts of other kind, so impoverished, that both quota and tribute could not be collected; That the grand segnior taking umbrage at this, sent for his head; of which he, by means of the Czarian ambassador, having received private intelligence, fled to the Czarina's court; That in the mean time his country was seized, and his wife and children kept prisoners: while there, the Czarina gave him expectations, that in her treaty with the Turks, she would take care and provide for him when peace was made: That after some stay at the Russian court, he obtained letters recommendatory to their ambassador at London; and being by his means, taken notice of, he obtained the credentials aforesaid, with which he travelled through most of the corporations in England, where it was thought he collected two thirds or three fourths of what was due from him to the grand segnior; but was nevertheless encouraged to come to America, where he also received considerable.

Contributions were made for him in New-York and New-Jersey; he was every where received with distinguished respect; it was said, he received from the different congregations in and about Philadelphia, two hundred and fifty pounds.

He was a well proportioned lusty man, with a grave aspect, and clothed after the eastern manner, with a turbant on his head, and wore whiskers, spoke and wrote the arabick language; his conversation and deportment

deportment was graceful and easy, and seemed to be-speak him of a noble education.

A. D.
1737.

At Philadelphia he met with a handsome entertainment, his expences were borne while he stayed, and provision was made for him in the vessel he went.

The 7th of December, this year, at night, was a large shock of an earthquake, accompanied with a remarkable rumbling noise; people waked in their beds, the doors flew open, bricks fell from the chimnies; the consternation was serious, but happily no great damage ensued.

In this year died Robert Lettice Hooper, Esq; chief justice of New-Jersey; in which post he had continued many years with a good character.

1738.

In the spring this year, died at Trenton, Daniel Coxe, Esq; one of the justices of the supreme court: He was son of the great proprietor and governor dr. Coxe, of London: He had gone through several other publick offices in New-Jersey, to which, from his father's character and influence, he came with great advantages: His differences with governor Hunter, and the assembly, and the share he had in the publick transactions, being all occasionally related before, renders further addition here unnecessary.

1739.

About the 22d of the month called February, appeared to these provinces, in the east, and continued upwards of six weeks, a comet or blazing star, with a long bright tail; it was supposed to be near the equinoctial at its first appearance, but moved five degrees near north, in twenty-four hours, and continued moving till it disappeared; towards the last it was very much encreased in length of tail and bigness.

1741.

In

A. D.
1746.

In the spring this year, died Lewis Morris, Esq; governor of New-Jersey: To our relief, we find his character in great part already drawn, by an able hand,^u to whom we have before been obliged: ‘He
‘was a man of letters, and tho’ a little whimsical in his
‘temper, was grave in his manners, and of penetrating
‘parts; being excessively fond of the society of men
‘of sense and reading: He was never wearied at a
‘sitting, till the spirits of the whole company were dissipated. From his infancy he had lived in a manner
‘best adapted to teach him the nature of man, and to
‘fortify his mind for the vicissitudes of life: He very
‘early lost both his father and mother, and fell under
‘the patronage of his uncle: Being a boy of strong
‘passions, he gave frequent offence to his uncle, and
‘on one of these occasions, through fear of his resentment, strolled away into Virginia, and thence to Jamaica, in the West-Indies; where to support himself,
‘he set up for a scrivener: After several years spent in
‘this vagabond life, he returned again to his uncle, who received the young prodigal with joy. In New-Jersey, he signalised himself in the service both of the
‘proprietors and the assembly; the latter employed
‘him to draw up their complaint against my lord Cornbury, and he was made the bearer of it to the
‘queen: Tho’ he was indolent in the management of
‘his private affairs, yet through the love of power, he
‘was always busy in matters of a political nature; and
‘no man in the colony equalled him in the knowledge
‘of the law, and the arts of intrigue. He was one of
‘the council of New-Jersey, and a judge of the supreme
‘court in 1692. Upon the surrender of the government to queen Anne, in 1702, he was named to be
‘governor of that colony, but the appointment was
‘changed in favour of lord Cornbury, the queen’s
‘cousin.’ He

^u. History of New-York, p. 125, 126.

He was several years chief justice of New-York, and a member of assembly there; in whatever post he is named, activity must be supposed; for he was among the foremost on all occasions; he was the second counsellor for New-Jersey, named in lord Cornbury's instructions; suspended by him in 1704; restored by the queen, and suspended a second time in the same year; was chosen in the assembly here in 1707, re-appointed of the Council in 1708; suspended by the lieutenant governor Ingoldsby in 1709; appointed again in 1710, and so continued till 1738, when he succeeded Cosby as governor of New-Jersey, separate from New-York: The proceedings during his administration in this capacity, will be found the labour of many pages; but too voluminous to have justice done them in an abridgement here; his favourite monopoly of doubts and disputation, however amusing in mechanical and metaphysical subtilties, but illy agreed with the dispatch and management necessary in a publick station; accordingly the whole transactions of that period are chequered with great variety of debates, some of them curious; qualified to hold up a side from long experience, no argument he thought proper to espouse, was to be yielded, unless mathematically wrong; in this but few apparent convictions attended, either for want of candour in acknowledging, or antagonists sufficiently skilled in the science: Had those who managed the controversy against him, found patience enough to have let his own arguments gone to their proper lengths, they had probably sometimes gained their points, and saved themselves great fatigue in attendance, and the expence it often occasioned; but having a trust, they opposed, refused, and disputed his measures; he replied, rejoined, and demurred, and kept them in unmanly suspense and attendancies for months together, with scarce a prospect

A. D.
1746.

or

A. D.
1746.

or means of accommodation ; and yet nothing but that to do ; frequent formal angry dissolutions ensued, in which nothing was gained but increasing firmness in the points contested, and a popular turn against the government. In this uncertainty things were left at his death, and restored to their original footing in the next administration : But whatever were his faults, it must be remembered, that the province owed much to his early patriotism and abilities ; scarce an instance of inordinate love of money is to be found in his private conduct ; he inherited a large estate from his uncle, and appeared moderate in adding to it : He was besides in his way, a kind husband, and indeed had uncommon cause to be so ; an affectionate parent ; had the satisfaction of a promising offspring, and lived to see most of them married : The following are extracts from the singular preamble of his will :

‘ IN THE NAME OF GOD AMEN : God’s will be done ;
 ‘ but what I will or desire should be done after my
 ‘ decease, and how I would have what estate God has
 ‘ been pleased to bless me with, disposed of, is contained
 ‘ in what follows : But before I give any directions
 ‘ concerning the disposition of my body or estate, I
 ‘ think it my duty to leave the following testimonial
 ‘ of my sense of the goodness of God to me, in pro-
 ‘ tecting and wonderfully preserving of me, from my
 ‘ infancy to this present time, now in an advanced age.
 ‘ My mother died when I was about six months old,
 ‘ and my father not long after, in New-York, where
 ‘ I was left an orphan, entirely in the hands of stran-
 ‘ gers, who were appointed by the government to take
 ‘ care of me. Sometime after that, the Dutch took the
 ‘ place, and I was put by their magistrates into the
 ‘ hands of trustees, by them appointed to take care of
 ‘ me, and of what effects their soldiers had left unplun-
 ‘ dered ; and after the surrender of New-York to the
 ‘ English, my uncle came into these parts of America,
 ‘ and kindly took care of me until I came to man’s
 ‘ estate ;

'estate; and he then dying, what he had fell into my
 'hands, being his sole and only heir. He had made
 'a will, in which were found several material interlina-
 'tions and erasures; which will, when exhibited before
 'the governor and council of New-York to be proved,
 'of six subscribing witnesses to the said will, only two
 'of them could make oath in due form of law; and
 'they knew nothing of those erasures and interlina-
 'tions; and one William Bickley, a quaker, who
 'wrote the will, said, that he wrote the will, and made
 'them; but knew not why they were made. My uncle
 'by that will having bequeathed his plantation over-
 'against the town of Haerlem, to his wife; but for what
 'estate, did not appear; the words being scratched or
 'erased out so as not to be read, and instead of what was
 'so erased, there was after the words, Mary Morris,
 '(which was the name of his widow) these words, viz. *their*
 '*heires and assigns forever, the lands thereof*) interlined.
 'The widow died about a week after her husband, (the
 'will having been in her and Bickley's keeping all that
 'time) and after, or about the time of her death, I was
 'told of this erasure by Miles Forster, one of the execu-
 'tors in the will named. This will was dated the 12th of
 'February, 1690, but a little before my uncle's death,
 'and exhibited for proof the 15th of May following,
 'at which time the erasure, and reason for making of
 'it, must have been fresh in the memory of the writer,
 'who declared he knew of it; and must have been
 'fresh in the memory of the witnesses, had any such
 'thing been shewn unto them. That Bickley should
 'know of, and make this erasure and interlineation,
 'and not know or remember the reason of making it
 'in so short a time after it was done, appeared strange
 'to all present; and most were of opinion, that the
 'words erased out, were of different import from those
 'interlined, or there had been no necessity for making
 'the erasure and interlineation; but as the writer of the
 'will, either could not, or would not tell for what end
 'they were made, tho' it appeared to be done with
 'intent to vest an estate in fee simple in the widow,
 'which

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1716.

‘which it is probable the words erased did not do; and
 ‘only two witnesses being able to make oath in due
 ‘form, and these not knowing any thing concerning
 ‘it; administration was committed to me, with the
 ‘testament annexed; and I have since purchased releases
 ‘from the heirs and legatees of the widow, and have
 ‘been in quiet possession above fifty three years. Thus,
 ‘by the sole goodness of almighty God, my benign
 ‘creator, the designs against me were rendered ineffec-
 ‘tual, without any contrivance or act of my own.
 ‘Whether my uncle was persuaded, or really intended
 ‘to give that estate to his wife and her heirs; or whether
 ‘he had given it to her for life, and so intended, and
 ‘the words interlined were done after his death; or if
 ‘he did intend to give it her in fee, and the writer had
 ‘not made use of proper words for that purpose (tho’
 ‘he had done it in every other case where an estate was
 ‘given to me in fee) and discovered it to my uncle,
 ‘and made the alteration during his life, and by his
 ‘consent; or discovered them after his death, and then
 ‘made the erasure and interlineation; is what I know
 ‘nothing of, and what the writer of the will either
 ‘could not or would not say any thing about; but it is
 ‘evident on the face of the will, that every bequest to
 ‘me, either of lands or chattels, even of my mother’s
 ‘jewels, and what in the will was mentioned to belong
 ‘to her, and did only belong to me, was given (as the
 ‘writer of the will called it) with restriction and limita-
 ‘tion (meaning as I suppose with this condition) that I
 ‘should submit myself wholly and absolutely to every
 ‘thing contained in that will; and it was therein deter-
 ‘mined, that if I, or any body claiming under me,
 ‘should under pretence of right from my father, whether
 ‘by partnership with my uncle or otherwise, make any
 ‘claim or demand of the estate left by my uncle, or any
 ‘part of it; that in such case the bequests to me were to
 ‘be void. The drawer of that will had purchased and
 ‘read (with all the judgment he had) a book, entitled
 ‘Orphan’s Legacy, in order to qualify him for that
 ‘performance; and so apprehensive was the contriver or
 contrivers

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' contrivers of that will of my making such claim,
 ' and that the law might determine in my favour; that
 ' by a clause in that will it was directed, that if any
 ' doubt or controversy should arise, by reason of im-
 ' perfection, defect, or any other cause whatsoever
 ' of, or in any words, clauses and sentences in his last
 ' will and testament, or about the true intent and
 ' meaning thereof; that in such case, his executors, or
 ' any three of them, should expound, explain, inter-
 ' pret, and finally decide the same, according to their
 ' wisdoms and discretions. There had been articles of
 ' agreement and partnership entered into between my
 ' uncle and my father, and executed by both the par-
 ' ties; in which amongst other things, it was covenanted
 ' and agreed between them, that if either of them
 ' died without issue, the survivor, or issue of the sur-
 ' vivor (if any) should take the estate. Upon the
 ' death of my father, that part of the agreement
 ' executed by my uncle, with other my father's papers,
 ' came into the hands of my uncle, and upon his death
 ' into Bickley's (as I suppose) who kept the keys of his
 ' servitore: That part of the agreement executed by my
 ' father, I had seen often, and it came into my hands;
 ' but that part executed by my uncle, was made away
 ' with; who destroyed it, I can't say; but believe my
 ' uncle was too just a man to do any thing of that
 ' nature. It appears from all this, that there was a
 ' design formed to deprive me of the greatest part of
 ' the estate my uncle died possessed of, and that this
 ' design was defeated. That this might be accounted
 ' for from natural and obvious causes, such as the
 ' erasure of the will and the like, may be; but what
 ' confounded the understanding of the writer so as to
 ' make the erasure in that particular place, and in the
 ' manner he did, and to pretend not to be able in so short
 ' a time after it was done, to give any account why it
 ' was done, I attribute only to the over-ruling provi-
 ' dence of the Almighty, who has wonderfully pro-
 ' tected and preserved me hitherto; and I doubt not
 ' will continue his goodness to me till he thinks fit to

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‘call me hence, tho’ I am unworthy of the least of his
 ‘favours. I now proceed to directions concerning the
 ‘disposal of my body and estate; and first, I will, that
 ‘my body shall be buried by the bodies of my uncle
 ‘and my children that lie at Morrisania, if it can be con-
 ‘veniently done. I would be buried in a plain coffin
 ‘of black walnut, cedar, or mahogany, without
 ‘covering or lining with cloth, or any other material
 ‘of linen, woollen, or silk; my age and the time of
 ‘my death may be put upon it in such manner as my
 ‘executors shall think fit: I forbid any rings or scarfs
 ‘to be given at my funeral, or any man to be paid for
 ‘preaching a funeral sermon over me: Those who sur-
 ‘vive me, will commend or blame my conduct in life
 ‘as they think fit, and I am not for paying of any
 ‘man for doing of either; but if any man, whether
 ‘churchman or dissenter, in or not in priest’s orders,
 ‘is inclined to say any thing on that occasion, he may,
 ‘if my executors think fit to admit him to do it.
 ‘I would not have any mourning worn for me by
 ‘any of my descendants; for I shall die in a good old
 ‘age; and when the divine providence calls me hence,
 ‘I die when I should die, and no relation of mine ought
 ‘to mourn because I do so; but may perhaps mourn to
 ‘pay the shop keeper for his goods, should they com-
 ‘ply with (what I think) the common folly of such an
 ‘expence. I will, (if it be not done before my death)
 ‘that a vault of stone be built at or nigh the place at
 ‘Morrisania, where my good uncle lies buried; and
 ‘that the remains of my relations lying there, be col-
 ‘lected and put into coffins in it; and my executors
 ‘may get a tomb stone for me if they think fit.-----
 ‘What the state of the dead is, I know not; but
 ‘believe it to be such as is most suitable for them, and
 ‘that their condition and state of existence after death,
 ‘will be such as will fully shew the wisdom, justice,
 ‘and goodness of their great creator to them. As
 ‘to what estate it has pleased God to entrust and bless
 ‘me with, I will and dispose of it as follows: First, I
 ‘will as the law wills, that all my debts and funeral
 ‘charges be justly paid and discharged, &c. In

A. D.
1749.

In this year died Joseph Cooper: He was at eight successive elections chosen to represent Gloucester county in assembly, and continued in that station 19 years; he had steady principles, and a nobility of disposition and fortitude, superior to many: At one of the tedious sessions, in Col. Morris's time, when contrariety of sentiments had long impeded business, that governor casually meeting him in the street, said, 'Cooper, I wish you would go home and send your wife.' I 'will, says he, if the governor will do the same by 'his:.' An anecdote deservedly expressive as to those good women.

In the summer this year, three natives of Greenland, passed through the province, dressed in seal-skins, with the hair on after the manner of their own country; they were two young men and a young woman, converted to the christian religion by the moravian missionaries: They had left Greenland about two years before, in a Moravian ship (which had carried a house ready framed for worship, to be erected there, that country affording no wood for building) and had since visited the brethren in several parts of Europe; as England, Holland, and Germany: Their eyes and hair were black, like the Indians here; but their complexion somewhat lighter: Two Indian converts from the moravian mission, at Barbice, near Surrinam, were also with them: They together went to the Moravian settlement at Bethlehem, in Pennsylvania; there they met with some Delaware and Mohickon Indians; converts also of the Moravians; and tho' their native lands are so vastly remote as the latitude of 5, 41, and 65 north; yet what they observed of each other's hair, eyes, and complection, convinced them that they were all of the same race; they could find however, no similitude in their several languages.

The

A. D.
1751.

The 9th of November died, in the 53d year of his age, Richard Smith: He represented Burlington in assembly near twenty years, through a great variety of difficult business: He maintained a fair reputation, was instrumental in procuring considerable provincial benefits; and hence acquired the love of many, who had no opportunities of knowing him, but in a publick character. He was cool and even in his temper, impartial and conscientious in the discharge of his duty, kind and careful in every paternal relation, and generous in both sentiment and conduct.

1755.

The 18th of November, at four o'clock in the morning, was a considerable shock of an earthquake, which lasted about two minutes; the weather for seven days successively before, had been remarkably clear and still, and all that night was so, with a clear full moonshine; the two days following, continued also very still and clear, not a cloud to be seen, till towards evening of the second day after it happened: It did not begin with so much of a rumbling noise as that in 1737, but was thought not to fall short in the concussion.

1756.

Early in this year died at New-York, James Alexander, Esq; where he had long borne the office of provincial secretary, and afterwards many years one of the council. He was also long surveyor general of both East and West-Jersey, and several years of the council in New-Jersey. 'He was bred to the law, and tho' no 'speaker, at the head of his profession for sagacity 'and penetration; and in application to business, no 'man could surpass him:.' With his knowledge he was ready and communicative; and having by candid practice, and ingenuous industry and diligence, acquired a great estate in his latter years, remained a generous source of instruction for the advantage of younger practitioners, and many others.

In

In this year died, in the seventy-sixth year of his age, Jonathan Belcher, Esq; governor of New-Jersey: In this station he arrived in 1747. He was a native of New-England, and in his youth falling heir to great acquisitions, got early upon the wing, in the gay world; a handsome exteriour, a fondness for it, and for dress, equipage, and popular eclat, insensibly betrayed him into a scene of show and expence, which at length proved inconvenient to his patrimony; with this turn he travelled, kept the first rate entertainments and company, and received marks of distinguished notice and respect in the electorate of Haover.^w He went over agent for the Massachusetts Bay, on the long contest with governor Burnet, on the subject of an indefinite support; on his death came over governor of that colony, and long insisted on the same demands his predecessor had done, and with the same success: He continued governor there for a considerable time, and had great opportunities of indulging his favourite taste; but carrying a high hand in the administration, disgusted men of influence; and at one time putting a negative on several councillors, occasioned so many voices to unite in their applications against him, that he was removed from his government.

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1757.

^w. Prince, in the dedication to him, of his chronology, speaks of this in the following strain:

‘Upon this occasion his excellency will forgive me, if for the honour of his country, as well as for his own; we boast of one among us, who inspired with zeal for the succession of that illustrious house, even in the joys of youth, twice brake away, viz. in 1704 and 1708, and passed a double ocean; that he might with rapture see, and in his country’s name, express the ardour of their vows to that most important family; in which under Heaven, all the welfare of three mighty nations, and even of all the protestant states and kingdoms in the world, as well as the liberty, religion and felicity of these colonies and provinces were involved. A celebrated instance peculiar to himself alone, that I presume no other American can pretend to; and for the fatigue and pains, I suppose no other subject of the whole British empire; which redounds to the glory of the land that bred him, that parted with him, and received him with applause; and the happy consequence whereof, at the head of his country, he now enjoys.

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1757.

government. Here he witnessed a reverse of fortune, being obliged to wait at a great expence several years before an opportunity presented of getting again into office ; at length the government of New-Jersey falling vacant, early notice, properly used, procured him that : He was now advanced in age, yet lively, diligent in his station, and circumspect in his conduct, religious, generous and affable : He affected splendour, at least equal to his rank and fortune ; but was a man of worth and honour ; and tho' in his last years, under great debility of body from a stroke of the palsy, he bore up with firmness and resignation, and went through the business of the government in the most difficult part of the late war, with unremitting zeal in the duties of his office.

1762.

In this year died Andrew Johnston, esq ; aged 67 : He succeeded his father in representing Amboy in assembly, and was speaker several years ; long one of the treasurers : The last 15 years of his life he was in the council, and a diligent attender on the business there ; he had great equality of temper, circumspection of conduct, an open, yet grave engaging mein, much goodness of heart, and many virtues both publick and private.

1763.

The 30th of October, between four and five in the afternoon, was a very considerable shock of an earthquake ; which directed its course to the eastward.

1764.

In the beginning of this year died Robert Hunter Morris, Esq ; He was near twenty-six years one of the council, and chief justice of New-Jersey, and some time lieutenant governor of Pennsylvania : He had strong natural powers, an elevated quickness of apprehension, a memory tenacious, read much, and was uncommonly furnished in conversation on most subjects ;

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1764.

jects; he gloried in the rational privilege of free disquisition; in his motives to action, disdain'd to resemble *the floating log^x*, that went with the tide; yet the other extrem had a snare of too delicate concealment to be always avoided: He came young into the office of chief justice, stuck to punctuality in the forms of the courts, reduced the pleadings to precision and method, and possessed the great qualities of his office, knowledge and integrity, in more perfection than had often been known in the colonies: Had no other stations engrossed his attention, his character had remained without dispute, more light than shade; inheriting from his father,^y or imbibing a turn at starting more difficulties, than himself or others could easily solve, introduced debate, in which often appeared a seemingly constitutional delight; but being brought up under the tuition of an excellent mother, the bias here was qualified in part, with the advantages of this, the father's experience, and much of his own, in variety of situations: He had a liberal education, a comely respectable person, easy address, smooth flow of words, a commanding influence in his manner, and was a warm friend, but formidable enemy, not partial or oppressive as a judge, in several private relations generous and manly, in none avaritious, in some inconsiderate, in many his own original or his father's copy, often singular, sometimes whimsical, always opinionated, and mostly inflexible.

The 20th of the month called July, at about 40 minutes past seven in the evening, an uncommon ball of fire was seen in the north-east, about fifty degrees above the horizon; it took its course near north-west; its diameter seemed as large or larger than the sun, especially at one time, when it opened so as to seemingly
separate

x. He was apt to apply this expression in contrast to a sentimental choice.

y. See page 427, &c

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1764.

separate: It appeared like sheets of fire inclining together; its sound as it went in some places, was said to resemble that of a great fire urged by a strong wind; it kept near one height all the way, till it had crossed the meridian to the north about twenty degrees; there a small cloud seemed to attract it; mounting higher, just as it appeared the outward edge of the cloud, it appeared to shatter into innumerable pieces.

CHAP. XXIII.

The present state of Indian affairs in New-Jersey.

TO the accounts before given respecting the Indians, we now add other particulars, as far as New-Jersey hath been concerned.

For nigh a century, such of them as were natives of that province, had all along maintained an intercourse of great cordiality and friendship with the inhabitants, being interspersed among them, and frequently receiving meat at their houses, and other marks of good will and esteem: When the troubles broke out among the back Indians, it was observed, that some who had usually resided there, were missing, and supposed to have retired among them.

In the year 1758, for a considerable time after the first hostilities had commenced in Pennsylvania, the family of Nicholas Cole, in Walpack, nigh the frontier of New-Jersey, were at two in the afternoon unexpectedly attacked, and most of them murdered and carried off; this, and a few other murders alarmed the province, as it was not known or supposed they had any complaint against it.^z

The

^z. They had, to one of the messengers sent from Pennsylvania, complained of the death of the sachem Weequehelah; but this
was

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1758.

The legislature appointed commissioners to examine into the treatment the Indians had received; they first met them at Crosswicks, in the winter 1756, and heard what they had then to allege as grievances, and promised to lay them before the legislature; which they did at a session in 1757; when an act passed to remedy them, by laying a penalty upon persons selling strong drink, so as to intoxicate them, and declaring all Indian sales or pawns for drink, void; that the person of no Indian should be imprisoned for debt, and that no traps larger than to weigh three pounds and a half should be set, &c. and making all sales of lands or leases void, not obtained according to the direction of the act.^a

They afterwards, by another act, gave the commissioners power to appropriate sixteen hundred pounds, in purchasing a general release of Indian claims to New-Jersey; one half to be laid out in a settlement for the Indians residing in the province to the south of Rariton river, whereon they might reside, raise the necessary subsistence, and have always in view the consideration they had received for the remainder of their
lands

was looked upon as meer pretence to colour their attempts with the appearance of justice; as that Indian was known to have been executed for actual murder, and to have had a legal trial: The fact was, he was an Indian of great note and account both among Christians and Indians, of the tribe that resided about South-river, where he lived with a taste much above the common rank of Indians, having an extensive farm, cattle, horses and negroes, and raised large crops of wheat, and was so far English in his furniture as to have a house well provided with feather beds, calico curtains, &c. He frequently dined with governors and great men, and behaved well; but his neighbour, captain John Leonard, having purchased a cedar swamp of other Indians, to which he laid claim, and Leonard refusing to take it on his right, he resented it highly, and threatened that he would shoot him; which he accordingly took an opportunity of doing in the spring 1728, while Leonard was in the day time walking in his garden or near his own house, at South-river aforesaid.

^a. Vide vol. 2 of laws, pa. 127.

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1758.

lands; the other half was to be applied to purchase any latent claims among the back Indians not resident in the province.

The commissioners accordingly procured a second conference^a with the first mentioned; which was held at Crosswicks in the second month (February) 1758.

They first reminded them, that they had above a year since informed them, that the disorders committed in the back parts of Pennsylvania and this colony, had not lessened the regard they entertained for their friends the Indians, who in this time of trial lived peaceably and quietly among the inhabitants, and assured them of the governor's protection; that they had then desir'd they would make known any burthen that lay upon their minds; that the Indians then signifying some abuses they were subject to by private sales made by some of their own people, and the inconveniencies they had suffered from setting iron traps for deer, being cheated of their goods when in drink, and that they thought they had still a right to some pieces of land, which they had not sold; that in consequence of these demands, they, the commissioners, had faithfully reported to the legislature, who had passed a law to prevent all future abuses of that kind; and that they were now impowered fully to hear the particulars of
any

^a. The commissioners were, Andrew Johnston and Richard Salter, esquires, of the council, and Charles Read, John Stevens, William Foster and Jacob Spicer, esquires. The Indians were, Teedyescunk, king of the Delawares. George Hopayock, from the Susquehanna. *Crosswick Indians*, Andrew Wooley, George Wheelwright, Peepy, Joseph Cuish, William Loulax, Gabriel Mitop, Zeb. Conchee, Bill News, John Pembolus. *Mountain Indians*, Moses Totamy, Philip. *Rariton Indian*, Tom Evans. *Ancocus Indians*, Robert Kekott, Jacob Mullis, Samuel Gosling. *Indians from Cranbury*, Thomas Store, Stephen Calvin, John Pomphshire, Benjamin Claus, Joseph Wooley, Josiah Store, Isaac Still, James Calvin, Peter Calvin, Dirick Quaquay, Ebenezar Wooley, Sarah Stores widow of Quaquahela. *Southern Indians*, Abraham Loques, Isaac Swanelac. John Pomphshire, interpreter.

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any claims they had to lands in the colony, which was determined to do them strict justice: The Indians informed the commissioners, that the lands they claimed, could not be by them described by lines, very intelligible to persons not on the spot, as they went to hollows, and small brooks, which had no certain names; but that they had described them as well as they could: And then they delivered lists of the tracts they esteemed unpurchased, as follows: No. 1, A power of attorney from *Capoose* and *Tilaman*, to *Moses Totamy*, dated the 30th of *January*, 1743-4, for lands on the south and southwest side of the south branch of *Rariton*, joining thereto; as explained by the said power. No. 2. A paper declaring the lands from the half way from the mouth of *Meteteunk*, to *Tom's* river, from the sea to the heads of the rivers, belong to capt. *John Totamy Willockwis*; and from *John Eustel's* to *Hockanuteunk*, on *Crossricks*; then on a strait course to *Mount-Holly*, and so up *Ranchocas* creek, to the head; and from thence to the heads of *Wisteeunk* creek, and along the said creek to *Jarris Farrow's* Mill, and so to the sea. *Pompsire* and *Stephen Calvin*, say, they are concerned in the tract, No. 3. A power of attorney to *Totamy*, and capt. *John*, dated the 21st of *February*, 1742, from *Tawleynneymun*, *Tohokenum*, *Gootcleck*, to sell lands on *Egg-Harbour*, between *Mount-Holly* and *Crossricks*.

They have a tract of land beginning at the *Old-Ford*, by *John Fowler's*; then on a line to *Doctor's* creek above, but in sight of *Allen-Town*; then up the creek to the lower end of *Imlay's* town; then on a line to *Crossricks* creek, by *Duke Horseman's*; then along the said Creek to the place of beginning. *Teedy-escunk* and *Totamy* are concerned in the above lands. then they said, that from the Mouth of *Squan*, to No 2. belongs to *Sarah Store*, to whom it was given by her

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her husband, to the heads of the branches, and so across from one branch to the other.

Tom Store and *Andrew Wooley*, claim a tract between *Cranbury* and *Devil's Brook*, possessed by *Josiah Davison's* sons, that has two new houses built thereon, in which is included the whole tract of the late president *Hamilton*, and also *Mr. Alexander's* surveys, where *Thomas Sowden* lives; he has sold part of this tract to *Hollinshead*, where *M'Gee* lives; also has sold some to *Josiah Davison*, to *Doore Marlet*, *John Wetherill*, and *James Wilson*: He claims lands from *Cranbury brook*, to the cross roads, lying on the right hand of the road, and is claimed by *William Pidgcon*; *James Wall* and *John Story* lives upon one corner of it; also a piece upon *Pompton* river, the livers upon it he knows not; it lies in one piece, and is the same that *Mr. Woodruff* and company, were about purchasing of him.

They also claim from the mouth of *Squan*, to the mouth of *Shrewsbury* river, by the streams of each, to their heads, and across from one head to the other.

Also *Vanot's* place, an the west side of *Squan* river. Also a piece at *Topanemus* bridge: In this piece *Ben Claus* is concerned.

Tom Store and *Andrew Wooley*, also claim a piece on the north side of *South River*. *Polly Ritchies* place.

Also a piece between *Allen-Town* and *Millstone* brook, where *Hockan Gapee* used to live, joining on the east side of the post road to *Amboy*; part of *Dunstar's* tract.

Also, *Vanse's* place, joining to *Millstone* brook, on *Amboy* road; part of *Fullerton's* tract.

Also a swamp near *Gawen Watson's* place, belonging to the *Johnston's* family, and the *Furmans*.

Isaac Still claims from the mouth of *Great Egg-Harbour* river, to the head branches thereof, on the
east

east side; so to the road that leads to *Great Egg-Harbour*; so along the road to the sea side, except *Tuckahoe*, and the *Summer's*, *Steelman*, and *Skull's* places.

Robert Kecott, claims in *Piles grove*, the places whereon *John Mayhue's* sons live.

Also the township of *Deerfield*, in the county of *Cumberland*, where the presbyterian meeting house stands.

Also the tracts of *James Wasse*, *Joseph Peck*, and *Stephen Chesup*.

Jacob Mullis claims the pine lands, on *Edye Pillock Branch*, and *Goshen Neck Branch*, where *Benjamin Springer* and *George Marpole's* mills stands; and all the land between the head branches of those creeks to where the waters join or meet.

Abraham Loques claims the *Cedar-Swamp*, on the east side, *Tuckahoe Branch*, which *John Campion* and *Peter Campbell* have, or had in possession.

Also *Stuyppson's* island, near *Delaware river*. *Tom Store* claims 30 acres adjoining *Richard Parks*, wheelwright in *Middlesex* county.

Teedyescunk claims a tract in *Hunterdon*, called *Neshannock*, beginning at *Philip Ringoe's* house, which stands near a corner of it; and so along the road that leads from thence to *Brunswick*, as far as *Neshannock* creek; thence up the same to *George Hatten's*; thence on a strait course to *Petit's* place, and so on to a hill called *Pautquacktung*; thence in a strait line to the place of beginning; which tract was reserved at the sale, and marked out by *Wauhaway*, who is alive.

The Indians in general, claim their settlements near *Cranbury*, on *Menolapan* river, in *Falkner's* tract, whereon many of the Indians now live.

And also a few acres below the plantation of *Robert Pearsons*, on the north side of *Crosswicks* creek.

Having

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Having delivered these claims to the commissioners the Indians present executed a power of attorney, appointing Tom Store, Moses Totami, Stephen Calvin, Isaac Still, and John Pomphshire, or the major part of them, to transact all future business with the government, respecting lands; and then they released all claims for themselves, and their heirs, to the proprietors of the respective divisions, and the purchasers under them, to all the lands in New-Jersey, not included in the above list; and to such of these likewise, as could be proved to be conveyed by deed from the Indian inhabitants, except the claims of the Minisink and Pompton Indians, on the northern parts; which power was acknowledged by all the parties, before John Imlay, Esq; one of the judges of Burlington county, in order to be first recorded, and then delivered to the Indian attornies.

Teedyescunk, the next day told the commissioners that he was very well pleased with what was done, and esteemed the methods concluded on to be just and equitable; and to this all the Indians gave their assent.

Thus things rested, till the latter part of the summer; when governor Bernard procured a treaty with several of the back Indians, by means of the following message:

‘To Teedyescung, king of the Delaware Indians;
‘by Moses Tetamy and Isaac Stille, messengers
‘deputed by me: Greeting.’

‘I was surprised, on my arrival here with his majesty’s royal commission as governor of this his province, to find that invasions have been lately made on the inhabitants of this colony, and much blood shed by Indians, supposed to be those of Minisink or Pompton, who have resided within this colony, and have sometime since withdrawn themselves; and as I have no knowledge of any reason they, or any of them

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‘them, have, for being discontented, or offering violence to the Inhabitants of his majesty’s colony under my government; and no public complaints have been made by the Indians of Minisink or Pompton, formerly inhabitants of this colony, at any of the conferences held between the commissioners of New-Jersey, and the Indian inhabitants of the same; to prevent any further hostilities, I hereby send you this power, to go to the Indians of Minisink and Pompton, formerly inhabitants of this colony; and in my name, to desire them to desist from hostilities, and kindly to invite them to a conference with this colony; and to assure them they shall be received in the most friendly manner, and every endeavour shall be used to establish and confirm a friendship between the subjects of our great king George, our common father, and them, as a thing of the greatest use. You are to enforce the natural affection between us and them, and how much it is for their interest to be at peace with a people, who have the means of making them happy and easy, and have, by the blessing of providence, provisions, and every necessary of life in plenty, sufficient to supply their friends in distress.

‘As I have named a time, most convenient for them to be down here, it would give me pleasure to see them then: But if unavoidable accidents should put it out of their power to attend at that time; I have left the time and place to themselves, so that it be in my government; and that they come by Fort Ailen, and enter New-Jersey, below the falls at Trenton, and send an account of their arrival, that I may appoint persons to receive and conduct them to me. I prescribe this path, because the people above, who have lost their friends and relations, are so inflamed, as to render it unsafe for them to enter this colony above Trenton.

If you cannot go to the places of residence of the Minisink and Pompton Indians, you are (or in case of your death or absence, that Moses Tetamy and Isaac Still are) empowered to employ two good
and

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‘and faithful messengers, to find out the chief place
‘of the residence of these Indians, and to deliver to
‘them the message from me, with the belt and four
‘strings of wampum, and the safe conduct and flag
‘given you herewith; and you are desired to report
‘to me, your proceedings herein, with all convenient
‘speed.’ Given under my hand and seal at arms,
‘the 25th day of June, in the thirty-second year of
‘his majesty’s reign.

(L. S.) ‘By his excellency Francis Bernard, Esq;
‘captain general governor and com-
‘mander in chief of the colony of New-
‘Jersey, &c.

‘Brethren, the Minisink, or Munsy Indians, and
‘those of Pompton:

‘It is with great pain I am to tell you, that some
‘Indians have invaded our province on the upper parts
‘of the Delaware, and shed much blood, and that
‘you are suspected to be concerned in it. *A string.*

Brethren,

‘If you have been instigated to this by the false
‘suggestions of our enemies, the French, we pity you;
‘for these proceedings, if not immediately prevented,
‘must cause a discord between us, which though it
‘may be greatly hurtful to our people, must in the
‘end entirely ruin yours, *A string.*

‘Brethren,

‘The throne of the great king is founded on justice,
‘and therefore if you had received any injury from
‘any of his people living within our province, you
‘should have made your complaints to me, who am
‘ordered to do justice to all men, and I would have
‘heard you with open ears, and given you full satis-
‘faction. *A string.*

‘Brethren,

‘If therefore you have any anger boiling in your
‘breasts, I, by this belt, invite you to Burlington, in
‘five weeks, at which time our great council will be
‘together; there to unburthen your minds, and root
‘out

‘out of your hearts the seeds of enmity, before they
 ‘take too deep a root. And I will kindle a council fire,
 ‘and bury all the blood, that has stain’d our ground,
 ‘deep in the earth, and make a new chain of peace,
 ‘that may bind us and our children, and you and your
 ‘children, in everlasting bonds of love, that we may
 ‘live together as brethren, under the protection of the
 ‘great king, our common father. *A belt.*

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‘Brethren,

‘If these words shall please you, and you should
 ‘choose that we should be your friends rather than your
 ‘enemies, let all hostilities immediately cease, and re-
 ‘ceive this passport, and go to fort Allen; from whence
 ‘you shall be conducted to Bristol, where you will
 ‘find deputies, who will take you by the hand and lead
 ‘you to me at Burlington: But if the time and place
 ‘I have mentioned, be inconvenient to you, I shall
 ‘be ready to receive you in this government when you
 ‘can more agreeably to yourselves, attend. *A string.*

‘At a conference held at Burlington, on monday,
 ‘August 7, 1758.

PRESENT,

‘His excellency Francis Bernard, Esq; governor.

‘The honourable James Hude, Andrew Johnston,
 ‘Peter Kemble, Richard Saltar, Lewis M. Ashfield,
 ‘Samuel Woodruff, esquires, of his majesty’s council.

‘Charles Read, John Stevens, William Foster,
 ‘Esqrs, commissioners for Indian affairs.

‘Indians. Otawopass, or Benjamin, Coallins, or
 ‘Goatshank, messengers from the Minisink or Munsey
 ‘Indians. Apewyvet, or John Hudson, a Cayugan,
 ‘Samuel, a Delaware Indian, messengers from the
 ‘Mingoians. Taudakass, a Delaware Indian, who
 ‘came with the Munsey Indians.

‘John Pumpshire, interpreter. Moses Totamy,
 ‘Stephen Calvin, assistants.

‘His excellency sat, holding four strings of wampum
 ‘in his hand, and spoke to them as follows :

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‘Brethren

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‘ Brethren,

‘ As you are come from a long journey, through a
‘ wood full of briars: with this string I anoint
‘ your feet, and take away their soreness: With this
‘ string I wipe the sweat from your bodies: With this
‘ string I cleanse your eyes, ears, and mouth, that you
‘ may see, hear and speak, clearly; and I particularly
‘ anoint your throat, that every word you say may have
‘ a free passage from your heart: And with this string
‘ I bid you heartily welcome.’

Then delivered all the four strings.

‘ His excellency then informed them, that he should
‘ be ready to hear what they had to say, in answer to the
‘ message he had sent to their chiefs, as soon as would
‘ be convenient to them; when they informed him, they
‘ would be ready in the afternoon: And thanked his
‘ excellency, for using the customs of their fathers, in
‘ bidding them welcome.

‘ Monday afternoon.

PRESENT,

‘ As in the morning.

‘ The Indians being informed, that the governor was
‘ ready to hear them, Benjamin, on behalf of the Mun-
‘ sey Indians, holding a belt in his hand, spoke sitting,
‘ not being allowed to stand till the Mingoian had spoke.

‘ Brother,

‘ At first when your messengers came to us at Assinske,
‘ twenty seven days since, our ancient people were glad
‘ to hear them, and our young men, women and chil-
‘ dren rejoiced at the tidings. We know you are
‘ great and strong, and we took it kindly. All our
‘ friends and relations were in sorrow, and pitied the
‘ condition of the women and of the children, who are
‘ growing up. The kind words of our brethren the
‘ English, we sent to our uncles the Mingoians; and
‘ one of them is come down here to the place of our
‘ meeting, to be a witness of what passes between us.’

Then

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Then John Hudson, the Cayugan, abovementioned, stood up, and spoke as follows :

‘ Brother,

‘ In confirmation of what has been said to you, I, who am the Mingoian, am, by this belt, to inform you, that the Munseys are women, and cannot hold treaties for themselves ; therefore I am sent to inform you, that the invitation you gave the Munseys, is agreeable to us ; and we have taken hold of your belt ; and I desire you may write down my attending here ; tho’ while I am here, I left my family in danger of being cut off by our enemies the French.

‘ Further, brother,

‘ I have told you your belt was agreeable, and received by us as an earnest of your friendship : But tho’ we are glad of this opportunity of speaking with you, yet I am to inform you, that it is not agreeable to our chief men and counsellors, to have a new council-fire kindled, or the old one removed to this side of the river, from Pennsylvania, where it hath always been kept burning ; the reason is this, we know the strength of the water, and that when the wind and tide is strong, it roars, that our people cannot hear : so that it is proper we should have the council-fire on the other side of the river nearer to us.

‘ Brother,

‘ I think this is a good reason why it should be so : For, though we should speak loud, the distant nations will not hear us, if the roaring waters are between us and them. We therefore hope, as the council-fire is kindled, and kept burning in the forks of Delaware, by the desire of all our nations we shall see our brother the governor there.

‘ Brother,

‘ We attend to the words we have heard from you : You say you are a man of strength, and we believe you are. I am a man as well as you : I know of no nation stronger than you ; and our chief men and old counsellors are willing to meet you at the forks of Delaware, and to confirm our alliance, and brighten
‘ the

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‘the chain of friendship more clear than it has heretofore been. *This belt confirms what I have said.*

He then delivered the governor a belt, on one side of which are three figures of men in black wampum, representing the Shawanese, Delawares, and Mingoi-ans, living on the Ohio; on the other side, four figures representing the united councils of the six nations, in their own country: By their being now joined in this belt, he declared it expressed their union. That the western Indians having consulted their uncles, now joined in sending it, in pursuance of a belt of invitation sent them above a year since, by George Croghan, on behalf of the English.

Then Benjamin, on behalf of the Munsies, stood up, and said,

‘Brother,

‘Our ancient people, and chief men, are glad to
‘hear of the kind disposition of the English. We
‘believe you are wise and strong; and for the good of
‘our wives and children, for whose protection we are
‘concerned, that they may have some good and lasting
‘settlement made for them to the latest posterity, in
‘order to obtain it, we should be glad of the opportu-
‘nity, to see all our brethren the English together.
‘Our chief men, and old counsellors, are making
‘ready to come to the council-fire, in order to settle
‘all matters which have been the cause of uneasiness
‘between us. We believe your professions are sincere,
‘and that you will agree upon what is most for the
‘good of both you and us; and we shall be ready to
‘be advised by you, as we think you are wise. We
‘are glad to have an opportunity of conversing with
‘you, without interruption, tho’ the sun is low: But
‘we hope our and your ancient and wise men, will
‘have the happiness of consulting freely together, for
‘the good of one another, before it be dark; and that
‘we shall meet one another with sincerity and truth,
‘as we expect the blessing from above to attend us
‘therein. ‘And

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‘ And I am directed to inform you, that the Indian
‘ nations will be next full moon after this, at the forks
‘ of Delaware, and will send the governor word before
‘ hand, of the particular day they will be there, and
‘ of their nations and numbers: And so you may make
‘ it known to whom you think proper, that they may
‘ be present at our meeting.

‘ There are two nations besides the Munseys, parties
‘ to this message.

‘ The Senecas, whose chief man is Tageeskata, and
‘ lives at Mahahensink.

‘ The Cayugas, whose chief man is E-shakanata.

‘ The chief man of the Munseys, is Egohohoun.

‘ Tuesday, August 8, 1758.

P R E S E N T.

‘ His excellency the governor; the gentlemen of the
‘ council; the commissioners for Indian affairs; the
‘ Indians, and the interpreters; as yesterday.

‘ His excellency delivered the following answer to
‘ what the Indians said yesterday:

‘ Brethren,

‘ I am glad to hear, that our offers of peace and
‘ amity have been well received by your people, and
‘ that they are disposed to brighten the chain that here-
‘ tofore had held us together, and to restore that bro-
‘ therhood that had for many years subsisted between us.
‘ Of late a great darkness hath overshadowed the land,
‘ but we hope, that the sun is up that will disperse the
‘ clouds that have hindred us from seeing one another,
‘ and make all our future days bright and pleasant.

‘ We agree with you, that it would be best for us all
‘ to meet at the great-council-fire that is kindled on the
‘ forks of Delaware: It is on many accounts proper;
‘ and the particular circumstances of this province,
‘ make it most agreeable to us. We differ from the
‘ neighbouring provinces in many things: We have
‘ bounds set to our people, beyond which they neither
‘ can, nor desire to pass; they are content with the
‘ cultivation

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‘cultivation of their lands, and seek not for extraordinary gains, by following trade out of their own country. As we have had little intercourse with your people, we can have little cause of contention with them: The encroachments of unbounded settlers, and the tricks of unfair traders, cannot be charged on us. All we have to do, is to offer your people our friendship; which, if you will sincerely and heartily accept of it, shall endure to you and your children, as long as the sun shall shine, or the river on whose banks we meet shall flow.

‘Brethren,

‘I speak the words of justice and benevolence, and not of fear. It is well known to many of you, that as our people are industrious and hardy, they are also bold and resolute: If they are attacked, they give shot for shot, and blow for blow. But we should be sorry that this their warlike spirit, should be turned again you our antient friends and brethren: No; let it be exerted against the French, who are the common enemies of us, of you, and of all people that would be free and independent.

‘Brethren,

‘What I speak to you, I speak to those that sent you; and say to our brethren, that we are honest and sincere in our professions to them; and hope they will be so in what they profess to us. But as we have been struck, without having injured any one, we shall expect that they will give us a proof of their good intentions towards us, by bringing with them all the prisoners that have been taken from us. Those among you, who are husbands and fathers can best tell what our people must feel, who have had their wives and children torn from them. We also expect, that until we shall all meet at the great council fire, and these our mutual offers of peace and friendship shall be brought to maturity, by a solemn and publick treaty, you will not suffer your own people to commit hostilities against us, nor any others to pass by you, without giving us early notice, to prepare ourselves against them.

Brethren,

‘Brethren,

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‘The great God, whom we serve, and who protects
‘us, and gives us all the blessings of life which we en-
‘joy, hath commanded us to be just and benevolent to
‘all mankind. We are desirous to be so; and if we
‘can be assured, that your people will live on terms of
‘friendship with us, the lowest person among you shall
‘receive no hurt from our people, that we can prevent
‘or redress. Of this I will give your people further
‘assurance, when we meet at the council fire: In the
‘mean time, I confirm what I have said by these belts.

‘His excellency then delivered one belt to John Hud-
‘son, the Cayagan, and one to Benjamin, the Munsey.

The two foregoing treaties, opened the way for
another to be held the October following, at Easton,
in Pennsylvania; so much of this as concerns the
purchase of the Indian claims to the province of New-
Jersey, were as follow :

‘At a conference held at the town of Easton, on the
‘eighth day of October, 1758.

P R E S E N T.

‘The honourable William Denny, Esq; lieutenant governor.

‘Lawrence Growdon, William Logan, Richard
‘Peters, Lynford Lardner, Benjamin Chew, John
‘Millin, esquires, members of the governor’s council.

‘Isaac Norris, Joseph Fox, Joseph Galloway, John
‘Hughes, Daniel Roberdeau, Amos Strickland, esqrs.
‘committee of the house of representatives.

‘Charles Read, Jacob Spicer, esquires, commis-
‘sioners for Indian affairs, in the province of New-
‘Jersey.

‘A number of magistrates and freeholders of this
‘and the neighbouring province, and of the citizens of
‘the city of Philadelphia, chiefly of the people called
‘Quakers.

‘George Croghan, esquire, deputy agent for Indian
‘affairs under Sir William Johnson.

‘Indians

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Indians of several nations, viz.

‘Mohawks: Nicholas, or Karaghtadie, with one woman and two boys.	In all	4
‘Senecas: Tagashata, alias Takeaghsoolo, alias Sigachsadon, chief man, with 7 other chiefs, 37 other men, 28 women and children.	In all	83
‘Onondagas: Assaradonguas, with 9 men, 9 women and children.	In all	19
‘Oneidos: Segughsonyont, alias Thomas King, Anagaraghiry, Assany quou, with 3 warrior captains, 6 warriors, and 33 women and children.		45
‘Cayugas: Tokaaio, with 8 men, 11 women and children.		20
‘Tuscaroras: Niehaquantaquoah, alias Jonathan with 5 men, 12 women, and 2 children.		20
‘Nanticokes: Robert White, alias Wolahocumy, Pashdomokas, alias Charles, with 16 men, 20 women, and 18 children.		56
‘Conoys: Kanakt, alias Last Night, with 9 men, 10 women, and 1 child.		21
Tutelos: Cakanonekoanos, alias Big Arm, Asswagarat, with 6 men and 3 women.		11
‘Chogknots: Ten men, 20 women and children.		30
‘Chihohockies: alias Delawares, and Unamies: Teedyuscung, with divers men, women and children.		60
‘Munsies or Minisinks: Egotchowen, with sundry men, women and children.		35
‘Mawhickons: Abraham, or Mammattuckan, with several men, women, and children.		56
‘Wawpings or Pomptons: Nimham, Aquaywochtu, with sundry men, women, and children.		47

In all 507

‘Conrad Weiser, Esq; provincial Interpreter.

‘Captain Henry Montour, interpreter in Six Nation and Delaware languages.

‘Stephen Calvin, Isaac Stille, Moses Tetamy, Delaware Indians, interpreters in the Delaware language. At

‘ At a conference held at Easton with the Indians, on
 ‘ the 11th of October, 1758. P. M.

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 1757.

PRESENT.

‘ Governor Denny, with his council, and the several
 ‘ Pennsylvania gentlemen, as before.

‘ The Indians, &c. as before.

‘ His excellency Francis Bernard, Esq; captain general
 ‘ and governor in chief of his majesty’s province of
 ‘ New-Jersey.

‘ The honourable Andrew Johnston, Charles Read,
 ‘ John Stevens, Jacob Spicer, William Foster, Esqrs,
 ‘ commissioners of New-Jersey, for Indian affairs.

‘ Tagashata, the Seneca chief, intending to speak
 ‘ first, on behalf of the Indians, had laid some belts
 ‘ and strings in order on the table.

‘ As soon as the company sat down, Teedyuseung
 ‘ holding out a string, said he had something to deliver,
 ‘ and desired he might be heard first of all. Mr. Crog-
 ‘ han requested to know, if what he was going to say
 ‘ was the result of the Delaware council, and if it was
 ‘ their desire it should be spoke first; but no answer was
 ‘ given him as to this.

‘ Governor Bernard signifying his desire to bid the
 ‘ Indians welcome, and just mention to them the busi-
 ‘ ness he came upon, it was agreed he should speak first;
 ‘ which he did as follows.

‘ Brethren,

‘ I AM glad to see so many of you met together, to
 ‘ cultivate peace with your brethren and old friends the
 ‘ English. I heartily bid you welcome, and with that
 ‘ the good work for which you are now assembled,
 ‘ may prosper in your hands, and have that success,
 ‘ which your wise men, and all that wish you well,
 ‘ must desire as a thing much to your advantage.

‘ The situation of the province over which I preside,
 ‘ and the disposition of its people, have hitherto
 ‘ afforded very little occasion for treaties with the
 neighbouring

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‘neighbouring Indians; but having some months ago sent a message to the Minisinks, I received a message from our brethren the Senecas and Cayugas, wherein they take upon them to answer my message to the Minisinks, and desire that I would meet them at the council fire burning at this place.

‘It is not usual for the king’s governors to go out of their provinces to attend treaties; but I am glad to have an opportunity of shewing my good disposition to establish peace and friendship with my neighbours, and therefore I have waved all form, and am come here according to the invitation I received at Burlington.

‘To you, therefore, our brethren the Senecas and Cayugas, and your nephews the Minisinks, I now speak, and desire that you would take into your most serious consideration, my message to the Minisinks, your message to me, and my answer thereto, and let me know what we are to expect from you.

‘What is past we are willing to forget; but I must remind you, that if you are disposed to be our friends for the future, you should give us that proof of your sincerity, which I have desired in my answer to your message, and return us the captives that have been taken out of our province, and are now within your power: This should be one of the first steps, and will be the best that can be taken towards restoring and confirming that brotherly love and friendship between us; which, I am convinced, will be for the mutual benefit of all parties.’

‘This was interpreted in the six nations language, by mr. Weiser, and in the Delaware, by mr. Stephen Calvin, the Indian school-master in West-Jersey.

‘Then Teedyuscung spoke,

‘Brethren,

‘I desire all of you who are present will give ear to me. As you, my brethren, desired me to call all the nations who live back; I have done so. Now if you have any thing to say to them, or they to you, you must sit and talk together.

‘Brethren,

‘Brethren,

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‘I sit by, only to hear and see what you say to one another; for I have said what I have to say, to the governor of Pennsylvania, who sits here; he knows what has passed between us. I have made known to him the reasons why I struck him. Now I and the governor have made up these differences between him and me; and I think we have done it as far as we can for our future peace.’ *A string.*

The above speech was interpreted in the six nation language.

Tagashata then rose up, and spoke,

‘Brethren, the governors, and your councils,

‘It has pleased the most high, that we meet together here with cheerful countenances, and a good deal of satisfaction: And as publick business requires great consideration, and the day is almost spent, I choose to speak early to morrow morning.’

The governors answered, that they should be glad to give all the dispatch possible to this good work they were engaged in, and desired the chiefs would fix the time of meeting; but they declined it, saying, ‘They were unacquainted with hours, but would give notice when they were ready.’

‘At a conference held at Easton, on the 12th of
‘October, 1758.

P R E S E N T .

‘The governors; the gentlemen of their councils, and
‘others, as before.

‘Tagashata, the Seneca chief, taking the strings and belt of wampum, which governor Bernard gave yesterday, repeated according to the Indian custom, the particulars of his speech, and then added,

‘Brethren,

‘We approve of every article mentioned to us yesterday, by the governor of Jersey; all that he said is very good: We look upon his message to us, as a
‘commission

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‘commission and request from him, that we should
‘bring matters to a good conclusion with our cousins
‘the Minisinks. They themselves sent for us to do
‘the same thing, on their behalf; and at their request
‘we came here, have taken it in hand, and will use
‘our utmost endeavours to bring about the good work
‘which governor Bernard desires, and do not doubt
‘but it will be done to his entire satisfaction.

‘Brethren,

‘I now speak at the request of Teedyuscung, and
‘our nephews the Delawares, living at Wyomink, and
‘on the waters of the river Susquehannah.

‘Brethren,

‘We now remove the hatchets out of your heads,
‘that was struck into it by our cousins the Delawares:
‘It was a French hatchet that they unfortunately made
‘use of, by the instigation of the French: We take it
‘out of your heads, and bury it under ground, where
‘it shall always rest and never be taken up again. Our
‘cousins the Delawares, have assured us, they will
‘never think of war against their Brethren the English
‘any more, but employ their thoughts about peace,
‘and cultivating friendship with them, and never suffer
‘enmity against them to enter into their minds again.

‘The Delawares desired us to say this for them by
‘this belt. *A belt.*

‘Brethren,

‘Our nephews the Minisink Indians and three other
‘different tribes of that nation, have, at last, listened
‘to us, and taken our advice, and laid down the
‘hatchet they had taken up against their brethren the
‘English. They told us they had received it from the
‘French, but had already laid it down, and would
‘return it to them again.

‘They assured us, they would never use it any more
‘against you, but would follow our advice; and en-
‘treated us to use our utmost endeavours to reconcile
‘them to you their brethren, declaring they were
‘very sorry for what they had done, and desired it
‘might be forgotten, and they would forever cultivate

‘a

‘a good friendship with you. These declarations were
 ‘made by the principal warriors of four tribes of the
 ‘Minisink Indians, at giving us this belt. *A belt.*

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Then taking eight strings of black wampum, he
 proceeded;

‘Brethren,

‘We let you know, that we have not only brought
 ‘about this union with our nephews on the waters of
 ‘the river Susquehannah, but we also have sent messages
 ‘to our nephews the Delawares and Minisinks, and to
 ‘those likewise of our own nations who are on the Ohio,
 ‘under the influence of the French. We have told all
 ‘those, that they must lay down the French hatchet,
 ‘and be reconciled to their brethren the English, and
 ‘never more employ it against them. And we hope
 ‘they will take our advice. We the Mohawks,
 ‘Senecas, and Onondagas, deliver this string of
 ‘wampum, to remove the hatchet out of your heads,
 ‘that has been struck into them by the Ohio Indians;
 ‘in order to lay a foundation for peace.

Eight strings of black wampum.

Tagashata sat down, and then the Cayuga chief,
 Toka aio, arose, and said,

Brethren,

‘I speak in behalf of the younger nations, part of,
 ‘and confederated with the Six Nations, viz. the
 ‘Cayugas, Oneidas, Tuscaroras, Tutaloos, Nanti-
 ‘cokes, and Conoys.

‘A road has been made from our country to this
 ‘council fire, that we might treat about friendship;
 ‘and as we came down the road, we saw, that by some
 ‘misfortune or other, blood has lately been spilt on it.
 ‘By these strings we make the road wider and clearer;
 ‘we take the blood away out of it, and likewise out of
 ‘the council chamber, which may have been stained;
 ‘we wash it all away, and desire it may not be seen any
 ‘more; and we take the hatchet out of your heads.

Gave three strings.

‘Brethren,

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‘Brethren, the governors, and all the English,
‘I now confine myself to the Cayugas, my own
‘nation.

‘I will hide nothing from you, because we have
‘promised to speak to each other from the bottom of
‘our hearts.

‘The French, like a thief in the night, have stolen
‘away some of our young men, and misled them; and
‘they have been concerned in doing mischief against
‘our brethren the English.

‘We did not know it when it happened, but we
‘discovered it since. The chiefs of our nation held
‘their young men fast, and would not suffer them to
‘go out of their sight; but the French came and stole
‘them away from us, and corrupted them to do mis-
‘chief: We are sorry for it; we ask pardon for them,
‘and hope you will forgive them: We promise they
‘shall do so no more: And now, by this belt, we take
‘out of your heads the hatchet with which they struck
‘you.’ *A belt of ten rows.*

He added, he had found out, ‘That some of their
‘young men had been concerned in striking the English
‘four times.

‘At a conference with the Indians, on the 16th of
‘October, 1758.

P R E S E N T.

‘The governors and gentlemen of their council, &c.

‘Governor Bernard spoke,

‘Brethren of all the confederated nations,

‘As you proposed your questions concerning Tee-
‘dyuscung separately, I think proper to give you a
‘separate answer thereto

‘I know not who made Teedyuscung so great a
‘man; nor do I know that he is any greater than a
‘chief of the Delaware Indians settled at Wyomink.
‘The title of king could not be given him by an Eng-
‘lish governor; for we know very well, that there is no
‘such person among the Indians, as what we call a
‘king.

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‘king. And if we call him so, we mean no more than
 ‘a sachem, or chief. I observe in his treaties which
 ‘he has held with the governor of Pennsylvania,
 ‘[which I have perused since our last meeting] that he
 ‘says he was a woman, till you made him a man, by
 ‘putting a tomhawk into his hand; and through all of
 ‘those treaties, especially in the last, held at this town,
 ‘he calls you his uncles, and professes that he is depen-
 ‘dent on you; and I know not that any thing has since
 ‘happened to alter his relation to you. I therefore
 ‘consider him still to be your nephew.

‘Brethren,

I am obliged to you for your kind promises, to re-
 ‘turn the captives which have been taken from us. I
 ‘hope you will not only do so, but will also engage such
 ‘of our allies and nephews, as have taken captives
 ‘from us, to do the same. That you may be mindful
 ‘of this, I give you this belt. *A belt.*

After the governor had done speaking, and their
 answers were interpreted in the united nations and
 Delaware languages, the Indian chiefs were asked, if they
 had any thing more to say. On which Tagashata
 arose, and made a speech to his cousins the Delaware and
 Minisink Indians, directing his discourse to Teedy-
 ausing.

‘Nephews,

‘You may remember all that passed at this council-
 ‘fire. The governors who sit there have put you in
 ‘mind of what was agreed upon last year: They both
 ‘put you in mind of this promise, and desire you will
 ‘perform it: You have promised it, and must perform
 ‘it. We your uncles promised to return the prisoners.
 ‘We your uncles, have promised to return all the
 ‘English prisoners among us, and therefore we expect
 ‘that you our cousins and nephews will do the same.
 ‘As soon as you come home, we desire that you will
 ‘search carefully in your towns for all the prisoners
 ‘among you that have been taken out of every province,
 ‘and cause them to be delivered up to your brethren.

‘You

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‘ You know that the is an article of this peace that was
‘ made between you and your brethren : In confirm-
‘ ation of which you received a large peace belt ; of
‘ which belt we desire you will give an account, and
‘ let us know what is become of it, and how far you
‘ have proceeded in it. *A belt.*

‘ After this was interpreted in the Delaware language,
‘ it was observed, that there were no Minisink Indians
‘ present ; the governors therefore desired, that mr.
‘ Peters and mr. Read would procure a meeting of the
‘ chiefs of the united nations, Delawares and Minisinks,
‘ and cause the speech of Tagashata to be interpreted to
‘ the Minisinks in presence of their uncles.

Robert White, the Nanticoke chief, arose and said,
he was going to speak in behalf of seven nations, and
directing his discourse to the governors, he delivered
himself in the English language as follows,

‘ Brethren,

‘ It is now more than two years since we heard of
‘ our cousins the Delawares taking up the hatchet
‘ against the English. At the first, Sir William John-
‘ ston sent a message to the head nations, and when
‘ they received it, they sent to us at Otsaningo ; telling
‘ us, that as we lived close by our cousins, they desired
‘ we would invite them to meet at our town, and accord-
‘ ingly we invited them, and they came to a great
‘ meeting at our town of Otsaningo. We then gave our
‘ cousins a belt of a fathom long, and twenty five rows
‘ in breadth, and desired them to lay down the hatchet
‘ that they had taken up against the English, and to
‘ be easy with them : And if they would follow this
‘ advice, we told them, that they would live in peace,
‘ until their heads were white with age ; otherwise, it
‘ might not be so with them.

‘ Not hearing from our cousins for some time what
‘ they did in consequence of this belt, we sent to them
‘ two other belts, one of sixteen and the other of twelve
‘ rows, desiring them once more to be easy with their
‘ brethren

‘brethren the English, and not to strike them any
 ‘more : But still we heard nothing from them ; indeed
 ‘sometime afterwards we understood the Delawares
 ‘should say, that the Indians at Otsaningo, had grey
 ‘eyes, and were like the English, and should be served
 ‘as Englishmen ; and we thought we should have had
 ‘the hatchet struck into our heads. We now want to
 ‘know what is become of these belts ; may be they
 ‘may be under ground, or they may have swallowed
 ‘them down their throats.

‘Brethren,

‘As our cousins have been loth to give any answer
 ‘to these belts, we now desire they may let us know,
 ‘in public conference, what they have done with
 ‘them.

A string.

17th October, 1758.

‘The Indians were in council all day ; and acquaint-
 ‘ed the governors, that they could not be ready to
 ‘meet before morning.

‘At a conference held at Easton the 18th October,
 ‘1758.

P R E S E N T.

‘The governors, council, gentlemen and Indians,
 ‘with the interpreters : As aforesaid.

‘Mr. Peters and mr. Read acquainted the gover-
 ‘nors, That at a meeting of the chiefs of the older
 ‘and younger nations, with the several tribes of the
 ‘Delaware and Minisink Indians, on Monday night,
 ‘the speech of Tagashata, delivered that morning in
 ‘the publick conference, respecting the giving up the
 ‘prisoners, was interpreted in the Delaware language
 ‘by Stephen Calvin ; and another belt, on the part of
 ‘the governors, being joined to Tagashata’s belt,
 ‘they were both delivered to the Delaware and Mini-
 ‘sink chiefs, to enforce the subject matter. When this
 ‘was done, Tagashata spoke to the Minisink chief
 ‘Egotchowen, saying, we were told by you, that you
 ‘had delivered up the English prisoners, and we be-
 ‘lieved you ; but our brethren have told us, that they

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‘were not delivered up, and therefore we earnestly
‘desire that they may be made easy on this article. You
‘know, cousins, that their hearts will always be in
‘grief, till they see again their flesh and blood: It is
‘natural that they should be so: It would be so with
‘us, if it was our case. We desire you will be ex-
‘tremely careful to perform this matter fully and soon.
‘let there be perfect peace all over the English country.
‘And let it now be published, that we may all live in
‘peace, and with satisfaction, now and for ever. I
‘told you, Egotehowen, when you was in my town,
‘to bring with you the English prisoners, and that our
‘brethren would expect it. I wish you had done it.
‘But however, do it now with all speed, and it will
‘be well.

‘That Egotehowen answered, It is true, ‘I was at
‘my uncles fire, and I believe he desired me to bring
‘the prisoners down; but I suppose it was not inter-
‘preted to me; for I did not understand it clearly; but
‘I now understand it.

‘That the Minisink and Delaware Indians were
‘desired to collect all their warriors together, and give
‘them their belts, and receive from them their answer,
‘it being necessary they should concur heartily in
‘whatever should be concluded.

‘Then Nicholas, the Mohawk chief acquainted the
‘governors, ‘That, as counsellors, they had finished,
‘having nothing to propose at this present meeting.
‘The warriors were to speak now, and Thomas King
‘was appointed to deliver their words; who thereupon
‘arose, and began, “with an exhortation as well to
‘all concerned in publick affairs, governors and their
‘councils, and Indian chiefs and their councils, as to
‘the warriors of all nations, white people and Indians,
‘desiring all present to attend carefully to what was
‘going to be related, as matters of great consequence,
‘which would serve to regulate the conduct of the
‘English and Indians to each other. He added, that
‘the relation going to be made had taken a great deal
‘of trouble to put it into order, and it was made on
‘information

‘information given by the several nations now present,
‘who were acquainted with the facts.

‘Brethren,

‘WE, the warriors, have waited some time, in
‘hopes our counsellors would have taken this matter
‘in hand; but as they have not done it, we have, at
‘their desire, undertaken it, and they have approved of
‘every thing. I say, the counsellors of the five
‘younger nations, as well as the three older nations,
‘have approved of what the warriors are going to
‘relate; and take notice, that the speech is not only
‘the speech of all the warriors of the elder and younger
‘nations, but of our cousins the Delawares and Mi-
‘nisinks.

‘This was interpreted in the Delaware language;
and Thomas King then proceeded, directing his
speech to the governors, and all the English upon
the continent.

Brethren,

‘You have been inquisitive to know the cause of
this war: You have often inquired among us, but
perhaps you did not find out the true cause of the
bitterness of our hearts, and may charge us wrong-
fully, and think that you were struck without a cause
by some of our own warriors, and by our cousins.
But if you look a little about you, you will find,
that you gave the first offence. For in time of pro-
found peace, some of the Shawanese, passing thro’
South-Carolina, to go to war with their enemies, were
taken up and put into prison. The English knew they
were going to war, and that they used to do it every
year: And yet, after they had persuaded them in a
friendly way into their houses, they were taken up and
put into prison; and one who was a head man of that
nation lost his life, and the others were severely used.
This first raised ill-will in the minds of the Shawanese,
and as the French came a little after this happened to
settle on the Ohio, the Shawanese complained of it
to them, and they made an artful use of it, set them
‘against

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‘against the English, and gave them the hatchet.
 ‘Being resolved on revenge, they accepted it, and
 ‘likewise spoke to their grand-fathers the Delawares,
 ‘saying, grand-fathers, are not your hearts sore at
 ‘our being used so ill, and at the loss of one of our
 ‘chiefs? Will you not join us in revenging his death?
 ‘So by degrees our young men were brought over to
 ‘act against you. On searching matters to the bottom,
 ‘you will find, that you in this manner, gave the first
 ‘offence. This we thought proper to let you know:
 ‘It may be of service for the future. You may be
 ‘induced by this, to take better care in conducting
 ‘your council-business, so as to guard against these
 ‘breaches of friendship; or as soon as they happen,
 ‘in corresponding immediately with one another, and
 ‘with the Indian nations, who are in any wise concerned on such occasion.

Eight strings of black wampum.

‘Brethren,

‘This was the case of the Shawanese that I have just
 ‘now related. Another of the like nature has since
 ‘happened to the Senecas, who have suffered in the
 ‘same manner.

‘About three years ago, eight Seneca warriors were
 ‘returning from war through Virginia, having seven
 ‘prisoners and scalps with them. At a place called
 ‘Green Briar, they met with a party of Soldiers, not
 ‘less than one hundred and fifty, who kindly invited
 ‘them to come to a certain store, and said they would
 ‘supply them with provisions: And accordingly they
 ‘travelled two days with them, in a friendly manner;
 ‘and when they came to the house, they took their
 ‘arms from the Senecas: The head man cried out,
 ‘“Here is death, defend yourselves as well as you can;”
 ‘which they did, and two of them were killed on the
 ‘spot; and one, a young boy, was taken prisoner.
 ‘This gave great offence, and the more so, as it was
 ‘upon their warriors road, and we were in perfect peace
 ‘with our brethren. It provoked us to such a degree,
 ‘that we could not get over it.

‘Brethren,

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‘ Brethren,

‘ You have justly demanded your prisoners; it is
 ‘ right; and we have given you an answer: And there-
 ‘ fore, as we think this young boy is alive, and some-
 ‘ where among you, we desire you will enquire for him.
 ‘ If he be alive, return him; if you have swallow’d
 ‘ him down your throats, which perhaps may be the
 ‘ case, let us know it, and we will be content. His
 ‘ name is Squissatego. *Six strings of white wampum.*

‘ Brethren,

‘ We have one word more to mention of the same
 ‘ nature, and which was the very cause why the Indians
 ‘ at Ohio left you.

‘ Brethren,

‘ When we first heard of the French coming to Ohio,
 ‘ we immediately sent word to the governors of Vir-
 ‘ ginia and Pennsylvania; we desired them to come,
 ‘ and likewise to supply us with such things as were
 ‘ proper for war, intending to defend our lands, and
 ‘ hinder the French from taking the possession of them:
 ‘ But these governors did not attend to our message;
 ‘ perhaps they thought there was no foundation for
 ‘ our intelligence. The French, however came, and
 ‘ become our neighbours; and you neither coming
 ‘ yourselves, nor assisting us with warlike stores, our
 ‘ people of necessity were obliged to trade with them,
 ‘ for what we wanted, as your traders had left the
 ‘ country. The governor of Virginia took care to
 ‘ settle on our lands for his own benefit; but when we
 ‘ wanted his assistance against the French, he disre-
 ‘ garded us. *A belt.*

‘ Brethren,

‘ At this treaty you justly demanded to see your
 ‘ flesh and blood. We have pressed this on our cou-
 ‘ sins the Minisinks; and they by this string, desired
 ‘ us to assure you, the governors, that they would
 ‘ make strict search in their towns, and sincerely com-
 ‘ ply with your request, and return all the prisoners in
 ‘ their power.

Two strings of black and white wampum.

Then

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‘Then directing his discourse to the governor of Jersey, he proceeded,

Brother, the governor of Jersey.

‘Our cousins the Minisinks, tell us, they were ‘wronged out of a great deal of land, and the English ‘settling so fast, they were pushed back, and could ‘not tell what lands belonged to them. They say, if ‘we have been drunk, tell us so: We may have forgot ‘what we sold; but we trust to you the governor of ‘Jersey, to take our cause in hand, and see that ‘we have justice done us. We say, that we have here ‘and there tracts of land, that have never been sold. ‘You deal hardly with us; you claim all the wild creatures, and will not let us come on your land to hunt ‘after them. You will not so much as let us peel a ‘single tree: This is hard, and has given us great ‘offence. The cattle you raise are your own, but ‘those which are wild, are still ours, or should be common to both; for when we sold the land, we did not ‘propose to deprive ourselves of hunting the wild deer, ‘or using a stick of wood when we should have occasion. We desire the governor to take this matter ‘into his care, and see that justice be done in it.

Two strings of white wampum.

On the 19th October, 1758.

‘At a private conference with the Indians, held at ‘Easton.

P R E S E N T.

‘His excellency governor Bernard.

‘The commissioners of New-Jersey.

‘The chiefs of the United Nations, and of the Minisinks and Wapings.

‘George Croghan, Esq; captain Henry Mountour ‘and Stephen Calvin.

‘His excellency reciting the request of the United ‘Nations to him, to do justice to their nephews the ‘Minisinks, concerning their claim to lands in New-Jersey, said, he would make diligent enquiry, what ‘lands were remaining unsold by them: But as that
would

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‘ would be a work of time and expence, he wished
 ‘ that some means could be found to give them satisfac-
 ‘ tion at this meeting. The people of New-Jersey
 ‘ said, they had bought all, or the greatest part of the
 ‘ Minisink lands; and the Minisinks said they had a
 ‘ great deal of land unsold. He could not tell who
 ‘ was in the right; but would suppose there were some
 ‘ lands unsold: And upon that supposition would give
 ‘ them some money by way of consideration for them,
 ‘ if they would propose a reasonable sum; and desired
 ‘ they would advise about it, and give an answer.

‘ The united nations said, it was a very kind propo-
 ‘ sal, and recommended it to the consideration of the
 ‘ Minisinks.

‘ At a private conference with the Indians, held at
 Easton, the 21st of October, 1758.

P R E S E N T.

‘ His excellency governor Bernard,
 ‘ and the Jersey commissioners.

‘ Thomas King, chief of the Onondas. Tagashata,
 ‘ chief of the Senecas. Taka, aio, chief of the Cayu-
 ‘ gas. Egohohowen, chief of the Minisinks. Aquay-
 ‘ wochtu, chief of the Wapings. With other Indians
 ‘ of the several nations.

‘ George Crochan, esq; deputy to sir William
 ‘ Johnson; captain Henry Montour, his majesty’s
 ‘ interpreter to the United Nations; mr. Stephen Cal-
 ‘ vin, interpreter of the Delaware and Minisink
 ‘ languages.

‘ His excellency informed them, that he met them
 ‘ to agree about a consideration for the uncertain claims
 ‘ of the Minisinks, Wapings and other Indians,
 ‘ claimants of land in the northern parts of the province
 ‘ of New-Jersey, and desired that it might be con-
 ‘ sidered, that they knew not what they sold, and he
 ‘ knew not what he bought; therefore the price ought
 ‘ not to be large.

‘ That

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‘That they might propose a sum to him, or he
‘would make an offer to them; or it should be left to
‘their uncles to consider of a price, as would please
‘them best.

‘The united nations, by Thomas King, said, that
‘they had no claim to the lands of the Minisinks, or
‘others their nephews, on the east side of Delaware,
‘and should therefore leave the fixing a price to them.

‘Then the Minisinks and Wapings withdrew to
‘consult about it; and being returned, Egohohowen,
‘the Minisink chief, said, that they would choose the
‘governor should make an offer, as they might per-
‘haps demand too much.

‘His excellency having consulted the commissioners,
‘offered them eight hundred Spanish dollars for their
‘claim in New-Jersey, as an extraordinary price.

‘The Minisinks said, they should be glad of the
‘opinion of their uncles in the matter.

‘The United Nations, by Thomas King, said, it
‘was a fair and honourable offer, and that, if it was
‘their own case, they would cheerfully accept of it:
‘But as there were a great many persons to share in the
‘purchase money, they recommended it to his excel-
‘lency, to add two hundred dollars more; and, if that
‘was complied with, the report of it would be carried
‘to all the nations, and would be a great proof of the
‘affection and generosity of their brethren the English,
‘on this occasion, and would be very agreeable to
‘them.

‘His excellency desired to know of the Minisinks,
‘and other claimants, if they approved of the proposal
‘of their uncles; and they informed him, that they
‘did.

‘The governor after consulting the commissioners,
‘said, it was more than he had intended to give; but
‘as the United Nations had given themselves the
‘trouble of being mediators between them, he could
‘not refuse their recommendations, and was glad of
‘the opportunity he had of shewing his regard to the

‘United

‘United Nations, and his benevolence to the Minisink
‘and other Indians, who had resided in the province
‘where he presided ; and therefore complied with their
‘request.

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‘His excellency then desired them to remember,
‘that this consideration money, was to be in full for
‘the claims of all the Minisink and Waping Indians,
‘and all others who claim any lands, in a map, which
‘was laid before them at the same time, which included
‘all the lands from the line between the provinces of
‘New-York and New-Jersey, and down Hudson’s
‘river, to the mouth of Rariton up the same to Alame-
‘tung Falls, on the north branch of Rariton river,
‘thence on a straight line to Paoquirin Mountain,
‘where it joins on Delaware river, and thence up the
‘Delaware to Cushytunk ; and recommended it to them
‘to have respect to this in the division of the considera-
‘tion money.

‘Then Tagashata, the Seneca chief, arose, and
‘addressing himself to the Minisinks and other Indian
‘claimants, spoke as follows.

‘My nephews,

‘I desire you will now give over all thoughts of your
‘land, and that we may hear no more complaints about
‘it.

‘Now you must remember the friendship between
‘you and your brother, and transmit to your children,
‘and make them acquainted with the transactions of
‘this day. I recommended this to you, not from my lips
‘only, but from the bottom of my heart : I hope it
‘will also make a deep impression in your hearts.

‘It seems, as if your grandfathers had not told you
‘of the treaties they used to have with their brethren,
‘but carried them with them to the grave. But we
‘hope you will not do so, but carefully inform you
‘children of your agreements. We have given you
‘this advice, and hope you will follow it. We also ex-
‘pect you will take care of your young men, that they
‘do no more mischief to their brethren the English.

‘Egohowen,

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‘Egohohowen, then addressed himself to the governor, and desired to be heard.

‘Brother,

‘We are now thoroughly satisfied ; and we still retain
‘a friendship for our brethren the English, and we
‘desire, that if we should come into your province, to
‘see our old friends, and should have occasion for the
‘bark of a tree to cover a cabin, or a little refresh-
‘ment, that we should not be denied, but be treated
‘as brethren : And that your people may not look on
‘the wild beasts of the forest, or fish of the waters, as
‘their sole property ; but that we may be admitted to
‘an equal use of them.

‘The governor answered, that, as soon as he got
‘home, he should issue a proclamation, to notify to
‘the people of his province, that he had made a peace
‘with them, and to order, that, for the future, they
‘should be treated as brethren, which he hoped would
‘be done : But desired they would not go into those
‘parts, where they had lately committed hostilities,
‘till the people’s passions were cooled ; for he could
‘not be answerable for his people’s behaviour, whilst
‘their losses were fresh upon their minds.

The 21st of October.

P R E S E N T.

All the confederate Chiefs.

‘Teedyuscung, Nowalkeeka, alias Four steps, Awe-
‘hela, alias James Davis, Egohohowen, Munsey,
‘chief, Tapiscawen, alias Samuel Davis, Philip Com-
‘pass, Lappink, Moses Tetamy.

‘Conrad Weiser, Henry Montour, Isaac Stille,
‘interpreters.

‘Governor Bernard, requesting the attention of the
‘Indians, addressed them as follows,

‘Brethren of the united nations,

‘By this string, you spoke on behalf of our brethren
‘the Minisinks, and said, “ That they were wronged
‘in their lands ; that the English settled so fast, they
‘were

‘were continually pushing them back; and when they
 ‘asked for their lands, they were told that they had sold
 ‘their land, and had got drunk and forgot it. If they
 ‘had swallowed their lands, they must be content;
 ‘but they did not believe that they had swallowed all,
 ‘but that some was left. They desired, that I would
 ‘enquire after their lands that were left, and do them
 ‘justice.”

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‘Brethren,

‘I am glad I have an opportunity, in the presence of
 ‘so many nations, to express the desire I have of doing
 ‘justice to every one. The throne of the great king is
 ‘founded on justice: And I should not be a faithful
 ‘servant to him, if I neglected to give redress to all
 ‘persons, that have received injuries from the people,
 ‘over whom the great king has placed me.

‘I have therefore had a conference with the Mini-
 ‘sinks, in the presence of some of their uncles; and
 ‘have come to a full agreement with them, the pro-
 ‘ceedings of which are now ready to be read to you.

‘Brethren,

‘I have another proof to give you of the upright-
 ‘ness and justice of our province. We have come to
 ‘an agreement with the Delawares, and other Indians,
 ‘for the uncertain claims they had on the southern parts
 ‘of our province. I hereby produce the deeds, that
 ‘have been executed on this occasion, that the subject
 ‘of them may be explained to you, and be had in
 ‘perpetual remembrance by all the nations present:
 ‘And I desire that you may all remember, that, by
 ‘these two agreements, the province of New-Jersey is
 ‘entirely freed and discharged from all Indian claims.
 ‘In confirmation of which I give you this belt. *A belt.*

‘Brother Teedyuscung,

‘By this string you tell me, that, after the killing the
 ‘nine Indians near Esopus, you carried three belts to
 ‘George Vreeland, who undertook to give them to
 ‘the governor, and you ask what is become of those
 ‘belts.

‘Brother,

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‘ Brother,


‘ I can only say, that I never heard of those belts before; nor do I know, what governor George Vreeland undertook to carry those belts to. The proper governor was the governor of New-York; for in his province was this mischief committed. And probably the governor of New-York had these belts; for I have heard that he issued a proclamation for apprehending the perpetrators of this fact. This fact has been blamed by all good and wise men; and I am glad it was not done by the people of my province. I will acquaint the governor of New-York with what you have said upon this occasion, and I will enquire after those belts, and give you an answer. *A string.*

‘ Governor Denny, being obliged to return to Philadelphia, on urgent business, took his leave of the Indians, saying.

‘ Brethren,

‘ It gives me great pleasure that the business of this treaty has been carried on with so much satisfaction.

‘ I am sorry, I am now to inform you, that I am obliged to leave you, having received last night an express from general Forbes, who is now near the Ohio. My business calls me to town; I shall therefore leave mr. Logan and mr. Peters to transact the remainder of the business, and doubt not but they will act to your satisfaction. I assure you of my affection for you, and wish you all manner of happiness.

‘ Teedyuscung arose, and desired to be heard on behalf of the Wapings, living near Æsopus, and produced a short broad belt of white wampum, having in the center, two hearts of a reddish colour, and in figures 1745. wrote after the following manner, 17  45. The belt had a round circle pendant, representing the sun: He then produced two certificates, one from governor Clinton, and the other from governor Hardy, both which were much in favour of the Waping Indians. He said the belt was given them by the government of New-York, and
‘ represented

‘represented their union, which was to last as long as
‘the sun should continue in the firmament.

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‘Teedyuscung addressed governor Bernard, desiring
‘by a string of Wampum, that he would extend his
‘protection to the Wapings; and as their chief was
‘old and infirm, he requested the favour of a horse to
‘carry him home; which was readily granted.

‘Tagashata made the same request to governor
‘Denny, which was likewise granted.

‘The Six Nation chiefs consulted together, and in a
‘little time, Nicholas, in their behalf, returned an answer
‘to the speeches of the governors, laying the belts and
‘strings upon the table, in the order they were deliver-
‘ed, and repeating distinctly what was said on each of
‘them. At the end of every article he returned thanks,
‘and expressed the highest satisfaction, particularly on the
‘ratifying the peace, and the large belt given thereupon,
‘which he said should be sent to all the distant nations
‘of Indians, to whom it would be very agreeable; he
‘likewise promised, that every thing transacted in these
‘conferences, which he again said had afforded them
‘great pleasure, should be laid before the great council
‘at Onondaga, whose answers should be carefully trans-
‘mitted.

‘He thanked governor Bernard for making up all
‘the differences between that government and the Mi-
‘nisink Indians so much to their satisfaction.

‘He made an apology for the want of Wampum,
‘and the exchange of other belts to give in confirmation
‘of their performance of the several things mentioned
‘in the governors speeches, agreeable to Indian cus-
‘toms. And then wished governor Denny a good jour-
‘ney.

‘At a conference with the Indians, held at Easton,
‘on the 26th of October, 1758.

P R E S E N T .

‘His excellency governor Bernard.

‘William Logan, Richard Peters, Andrew John-
‘ston, Charles Read, John Stevens, George Croghan,
‘Conrad

A. D. 1758. 'Conrad Weiser, Charles Swaine, esquires. Major
 'Ordn, the sheriff of Northampton county, John
 'Watson.

'The chiefs of the United Nations, and of the
 'other nations, and the interpreters, as aforementioned.
 'oned.

'Mr. Secretary Peters having observed to the confederate chiefs, that the governors were by Toka
 'aio, charged with having omitted some things in their
 'answers, and desired to know what they were, Thomas King said, that in regard to some things they had
 'been since supplied, and recommended that some
 'other things should be more particularly taken notice
 'of, than they had been. Wherefore agreeable to this
 'advice, the following speech was spoke by the members of the Pennsylvania council, governor Bernard
 'assenting thereto.

'Brethren,

'As we have now settled all differences, and confirmed the antient leagues of amity, and brightened
 'the chain of friendship; we now clean the blood off
 'your council seats and put them in order, that when
 'you hold councils at home, you may sit in your seats
 'with the same peace and tranquility as you formerly
 'used to do.

A string consisting of a thousand grains of Wampum.

'Brethren,

'With this string of wampum, we condole with you
 'for the loss of your wise men, and for the warriors that
 'have been killed in these troublesome times, and likewise for your women and children, and we cover their
 'graves decently agreeable to the custom of your forefathers.
A string of a thousand grains of wampum.

'Brethren,

'We disperse the dark clouds that have hung over
 'our heads, during these troubles, that we may see the
 'sun clear, and look on each other with the cheerfulness
 'our forefathers did.

A string of a thousand grains of wampum.

'Then

‘Then mr. Peters and mr. Weiser produced the confirmation deed, executed by the chiefs of the United Nations as before set forth, which the Indian chiefs acknowledged to have been their voluntary act and deed, and that they clearly understood the contents thereof, together with the limits described in the draught annexed to it; and the same being handed from Indian to Indian, all round the house, it was delivered to the proprietor’s agents.

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‘After which the Indian chiefs produced the proprietary deed of release, executed by mr. Peters and mr. Weiser, the proprietary’s agents: who acknowledged it to be their act and deed, in behalf of their constituents, as well as their own, and re-delivered it to the Indians, together with the belt.

‘His excellency governor Bernard produced the following deeds, executed by five Indian attornies, appointed by a council of the Delaware nations, for all the lands lying in New-Jersey, south of a line from Paoqualin mountains at Delaware river, to the falls of Alamatumg, on the north branch of Rariton river, thence down that river to Sandy-Hook; dated the 12th of September last, with endorsements thereon, made by Teedyuscung, Unwallacon and Tepas-cawen, signifying their agreement thereto, and acknowledgment of their having received satisfaction thereon; witnessed by three chiefs of the Six Nations, who in behalf of the Six Nations, approved the sale, and also by several English witnesses. And another deed, dated the 23d October instant, at Easton; from the chiefs of the Munsies, Wapings, Opings, or Pomptons, sixteen in number, and including all the remaining lands in New-Jersey, beginning at Cushtunk, and down the division lines between New-Jersey and New-York, to the mouth of Tappan creek at Hudson’s river, and down the same to Sandy Hook, thence to the mouth of Rariton, thence up that river to the falls of Alamatumg, thence on a strait line to Paoqualin mountains, where it joins on Delaware

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‘ware river, thence up the river Delaware to Cushy-tunk; endorsed by Nimham, a chief of the Opings or Pomptons, who was sick at the execution thereof, and appoved by the Six Nations; which was testified by three of their chiefs, signing as witnesses thereto: And governor Bernard desired, that all present might take notice of the same, and remember that the Indian titles to all the lands in New-Jersey, were conveyed by those two deeds.

‘Which being interpreted in the Mingo and Delaware languages; his excellency addressed the Indians, as follows:

‘Brethren,

‘I am very glad this good work has been so happily finished. I came among you wholly unacquainted with your forms, and therefore if I have omitted any ceremonies, you will readily excuse me. But in whatever I have been deficient, I am sure, I have not wanted a good heart towards you.

‘The circumstances of our province, have hitherto rendered us unable to give you any great proofs of our regard for you. But I shall endeavour to persuade my people, to do you good service for the future, by opening a communication with you; which if rightly managed, will be much to the advantage of both people. And for my own part, I shall be always ready to do you justice; and desire that whenever you have cause of complaint against my people, you will take care to signify it to me.

A string.

‘The Five Nation chiefs, laid all the belts and strings on the table, that were delivered at this and the last conference. Tokaaio, the Cayuga chief, desired the governor and all present, would take notice of what Thomas King was going to say, on behalf of the United Nations.

‘On which Thomas King arose, and taking up the first belt which was given by Teedyuscung, when he requested a deed for the Wioming lands, he addressed the Delawares, (Teedyuscung not being present) as follows:

‘Cousins,

‘Cousins,

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‘By this belt, Teedyuscung desired us to make you
‘the owners of the lands at Wioming, Shamokin, and
‘other places on the Susquehanna river; in answer to
‘which, we who are present say, That we have no
‘power to convey lands to any one; but we will take
‘your request to the great-council-fire, for their senti-
‘ments, as we never sell or convey any land, till it
‘be agreed on at the great council of the United Na-
‘tions. In the mean time, you may make use of
‘these lands, in conjunction with our people, and all
‘the rest of our relations, the Indians of the different
‘nations in our alliance.

‘Which being interpreted into Delaware, the string
‘of wampum was given to Moses Tetamy and James
‘Davis, to be delivered to Teedyuscung, as he was
‘not present.

‘Then taking up each belt and string in the order
‘it was delivered in this, and the last conference, he
‘proceeded to repeat distinctly, what had been said
‘under each article, returning thanks for all those good
‘speeches, which he said, were extremely agreeable.
‘He made particular mention of the large peace belt,
‘saying, “The nations are greatly pleased, that all
‘the ancient treaties made here, at Albany, and else-
‘where, are renewed, as well as that the old council-
‘fire at Philadelphia, is kindled again, and a good
‘road made to it, that may be travelled without any
‘danger: These in particular, as well as every other
‘matter transacted at these conferences, we will make
‘known to our own nations, and to every other in
‘friendship and alliance with us, and we are sure they
‘will be very well received.

‘Then addressing governor Bernard, he thanked
‘him for his farewell speech, saying, “It was a very
‘kind one, and that they were much pleased with his
‘having been present, and given his assistance at this
‘treaty, which had given them an opportunity of
‘gaining an acquaintance with him, which they would
‘ever

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‘ever remember with pleasure. After a pause, he
‘desired to be excused for mentioning some things that
‘had been omitted by the governors and their councils.

‘They have forgot to bring with them ammunition,
‘of which we always used to receive a sufficient quan-
‘tity, not only to serve us in our journey, but to sup-
‘port us in our hunting season, that we might be
‘enabled to make provision for our families. They
‘have given us gunlocks without guns, which are of
‘no manner of use to us; and therefore this must have
‘surely been forgot; as it is impossible for Indians to
‘subsist without guns, powder and lead, of which we
‘have received none.

‘As many of us are old and infirm, we desire our
‘brethren, will be so good as to furnish us with a
‘number of waggons, to convey such of us, as are
‘not able to walk, and the goods you have been pleased
‘to give us, as far as Wioming, where we have left
‘our canoes, and then we will discharge the waggons,
‘and they may come back again.

‘We further desire a supply of provisions may be
‘put into the waggons, enough to serve us till we get
‘to our respective habitations.

‘He then took up the proprietary release, and re-
‘turned thanks for it. He said, “When the United
‘Nations first made the request to sir William Johnson,
‘to be transmitted to Onas, they had no doubt but
‘Onas would comply with it, having always found
‘him ready to grant all their requests. With him we
‘have never had any difference; he has always settled
‘our affairs without giving us any trouble, and to our
‘satisfaction. We heartily thank Onas; this act con-
‘firms us in the good opinion we always had of him.

‘Then addressing himself to the Delawares, with a
‘string of wampum, he spoke as follows:

‘This serves to put Teedyuscung in mind of his
‘promises, to return the prisoners: Remember, cou-
‘sins, you have made this promise in our presence;
‘you did it indeed before, and you ought to have per-
‘formed

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‘formed it: To tell lies, does not become a great
 ‘man: A great man always keeps his word, and per-
 ‘forms his promises. Cousins, you must not now
 ‘fail to keep your word: We are all now one people,
 ‘and we must all be punctual in the performance of
 ‘our engagements.

‘This was interpreted into the Delaware language,
 ‘and the string was given to Moses Tetamy, to be
 delivered to Teedyuscung.

‘Then he said the United Nations had finished
 ‘what they had to say.

‘Some wine and punch was called for, and mutual
 ‘healths were drank, and the conferences were con-
 ‘cluded with great satisfaction.

In consequence of the expectations given the Indian
 inhabitants, the commissioners, with the consent of the
 Indian attorneys, purchased a tract of upwards of 3000
 acres, called Brotherton, situate in Burlington county,
 in which is a cedar swamp and saw-mill, adjoining to
 many thousand acres of poor uninhabited land, suitable
 for hunting, and convenient also for fishing on the sea-
 coast; the deed was taken in the name of the governor
 and commissioners, and their heirs, in trust for the use
 of the Indian natives who have or do reside in this
 colony south of Rariton, and their successors for ever,
 with a clause, providing that it shall not be in the power
 of the Indians, their successors, or any of them, to
 lease or sell any part thereof: and any person (Indians
 excepted) attempting to settle there, to be removed
 by warrant from a justice of the peace: no timber to
 be cut but by the Indians, under penalty of forty
 shillings fine for every tree. The Indians soon after
 the purchase, removed to the settlement, and there
 remain to their satisfaction, having their usual means
 of living very convenient; they were assisted by the
 government, in their removing and buildings: There
 ‘are

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are about sixty persons seated here, and twenty at Weekpink, on a tract formerly secured by an English right, to the family of king Charles, an Indian sachem.

Some time after the treaty at Easton, fresh hostilities being commenced by the back Indians, and approaching very near the frontiers of Jersey, it was feared, notwithstanding these agreements, they would prove perfidious; which occasioned a guard to be placed there: Part of the address of the assembly to governor Franklin, in the spring, 1764, sets this and the present state of Indian affairs, in a true light; and with that we conclude the subject.

‘In the original settlement of this province, great
‘circumspection and care was used to gain and pre-
‘serve the friendship of the Indian natives; their lands
‘were from time to time, fairly and openly purchased,
‘to their general satisfaction: This conciliated their
‘affection; and for a long course of time, they were
‘eminently serviceable to the new settlers; and since
‘the beginning of their hostilities, lest some among
‘them should think any part of our lands remained
‘unpurchased, care was taken at the treaty of Easton,
‘1758, to obtain for a valuable consideration, a
‘general release for all the lands in this province, such
‘parts only excepted, as were reserved for the use of
‘those Indians that inclined to live under the protection
‘of this government; this was done, and the money
‘paid in open council, and their approbation univer-
‘sally expressed: Such therefore being the circum-
‘stance of this province, with regard to the Indians,
‘it became a matter of astonishment to us, that any
‘conduct of theirs should give reason to fear their in-
‘tentions respecting us; and whether they had actually
‘any design upon this province or not, their hostilities
‘in the neighbourhood of our frontier, and in one
‘doubtful instance, over the line, were inducements to
‘place a frontier guard of two hundred men for the
‘winter past.

C H A P.

CHAP. XXIV.

A short geographical description of the province, and additional view of its present state.

TO be very particular on this head, comes not within our design; nor will it perhaps be a matter of much expectation, as the present state of trade carried on chiefly through the provinces New-York and Pennsylvania, seems but little calculated to draw attention from abroad; but the situation of the province, as lying directly in the concourse between the places aforesaid, renders it almost as well known to strangers resorting there.

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New-Jersey lying about 75° west longitude from London, is bounded on the west and south-west by Delaware river and bay, on the south-east and east by the atlantick ocean; the sound, which separates Staten Island^b. from the continent, and Hudson's river on the north, by a line as yet unsettled, to be run from the river last mentioned, in the latitude of 40° to the northerly branch of Delaware, in latitude of $41^{\circ} 40'$, which line is to be the boundary with New-York on that side. The greatest length of New-Jersey from north to south, that is from Cape-May, in the latitude of 39° to the north Station Point, in the latitude $41^{\circ} 40'$ at 69 miles to a degree, is 184 miles. Its greatest breadth is about 60 miles; but supposing it on an average 150 in length and 50 broad, the whole province must then contain 4,800,000 acres; of which at least one-fourth, (probably more) is poor barren land, in respect to tillage; but in part abounding with

pines

^b. Or if we include that Island still on the atlantick; but New York hath it in possession, tho' from situation it seems apparently intended a part of New-Jersey.

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1765.

pinese. and cedars, and some few tracts of swamp, that will make meadow. It is supposed, that West-Jersey contains the greatest quantity of acres, and in return took the most barren land. East-Jersey, now 1765, is supposed to have located nearly 468,000 acres good land, and 96,000 acres of pine land.^d The proprietors of West-Jersey, soon after their arrival, divided among them, 500,000 acres, which they call the first dividend; since which, at different times, they have issued directions for each proprietor's taking his part of four other dividends of the like quantity, amounting in the whole, with allowance of five per cent. for roads, to 2,625,000 acres, conjectured by many to be full as much land as the division contains; of this the far greater part is already surveyed; what yet remains are chiefly the rights of minors and people abroad.

Delaware river, from the head of Cushietunk, tho' not obstructed with falls, has not been improved to any in-land navigation, by reason of the thinness of the settlements that way: From Cushietunk to Trenton falls, are fourteen considerable rifts, yet all passable in the long flat boats^e used in the navigation of these parts, some carrying 500 or 600 bushels of wheat. The greatest number of the rifts are from Easton downward; and those fourteen miles above Easton, another just below Wells's ferry, and that at Trenton, are the worst. The boats seldom come down but with freshes, especially from the Minisinks: The freight thence

c. Chiefly the pitch pine.

d. Good rights in East Jersey, now 1765, sell at 20s. proc. per acre, Pine ditto, 10 s. proc. per acre: Rights in West-Jersey, at the same time, sell from 10l. to 12l. per hundred acres.

e. These boats are made like troughs, square above the heads and sterns, sloping a little fore and aft, generally 40 or 50 feet long, 6 or 7 feet wide, and 2 feet 9 inches, or 3 feet deep, and draw 20 or 22 inches water when loaden.

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thence to Philadelphia, is eight pence a bushel for wheat, and three shillings a barrel for flour: From the forks, and other places below, twenty shillings a tun for pig iron, seven pence a bushel for wheat, two shillings and six pence a barrel for flour. This river above Trenton, has no branches worth mentioning, for conveniency of navigation.*f*

Though the province boundary on the ocean, is extensive, the harbours for large shipping are but few, and, except Sandy-Hook, mostly inconvenient, occasioned by a great extent of salt meadows, swamps and marshes, and being exposed to the N. E. winds; this disadvantage is however amply supplied by the Delaware and Hudson's river.

Almost the whole extent of the province adjoining on the atlantick, is barrens, or nearly approaching it; yet there are scattering settlements all along the coast, the people subsisting in great part by raising cattle in the bog undrained meadows and marshes, and selling them to graziers, and cutting down the cedars; these were originally plenty of both the white and red sorts: The trowing retreat of the former have afforded many an asylum for David's men of necessity:*g* They are now much work'd out: Another means of subsistence along the coast, is the plenty of fish and oysters, these are carried to New-York and Philadelphia markets. It is thought, no inconsiderable whale-fishery might be form'd there; on the banks the New-England men frequently fish with success. The barrens or poor land, generally continues from the sea up into the province, thirty miles or more, and this nearly the whole extent from east to west; so that there are many thousand acres, that will never serve much of the purposes of agriculture; consequently when the pines and cedars

f. Analysis of the map of the middle colonies, by L. Evans.

g. 1 Sam. xxii, 2.

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cedars are generally gone (they are so already in many places) this will not be of much value. This excepted, and what of the same sort may be here and there intermixed in other parts of the province, the lands in general (perhaps something better than two thirds of the whole) are good, and bear wheat, barley, or any thing else suitable to the climate, to perfection. As the province has very little foreign trade on bottoms of its own, the produce of all kinds for sale, goes chiefly to New-York and Philadelphia; much of it is there purchased for markets abroad; but some consumed among themselves. The Inhabitants as to dress and manners, form themselves much after the neighbouring provinces; the western, about as far as the tide flows up Delaware, those of Pennsylvania; the remainder, those of New-York. The political state of the province may be described in a few words; harmony reigns in a considerable degree, in all branches of the legislature; the publick business is consequently dispatched with ease, and at a small expence. Thus much in the general: Next for the counties; of these there are thirteen: Their respective wealth on a comparison with each other, may be collected from the proportions fixed by act of Assembly, on a £. 25,000 tax, 1764.

MIDDLESEX,	-	-	-	-	-	£. 2,265 : 17 : 09 $\frac{3}{4}$
MONMOUTH,	-	-	-	-	-	3,285 : 16 : 10 $\frac{1}{2}$
ESSEX,	-	-	-	-	-	1,946 : 08 : 04
SOMERSET,	-	-	-	-	-	2,791 : 07 : 01
BERGEN,	-	-	-	-	-	1,647 : 09 : 08 $\frac{1}{4}$
BURLINGTON,	-	-	-	-	-	3,125 : 09 : 05 $\frac{3}{4}$
GLOUCESTER,	-	-	-	-	-	1,954 : 10 : 02 $\frac{1}{2}$
SALEM,	-	-	-	-	-	1,746 : 07 : 03 $\frac{1}{2}$
CAPE-MAY,	-	-	-	-	-	417 : 14 : 08 $\frac{1}{2}$
HUNTERDON,	-	-	-	-	-	3,544 : 07 : 11
MORRIS AND SUSSEX,*	-	-	-	-	-	1,389 : 01 : 08 $\frac{1}{4}$
CUMBERLAND,	-	-	-	-	-	885 : 09 : 03 $\frac{1}{4}$

The

* Sussex being the frontier county, and but lately settled, pays but a small proportion.

The number of inhabitants in 1738, were said to	
be - - - - - -	47,369
In 1745, - - - - -	61,403
The increase in seven years,	14,034

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Supposing the increase to be nearly the }
same since, the number now, 1765, must } 100,000
be about }

The increase of some of the counties in West-Jersey, between 1699 and 1745, was found to be more than six for one; the proportion of strangers arriving since, is not the same; but the natural increase must be far greater.

The counties are several of them mark'd by productions, differing in some respects from each other, and when distinguished, may perhaps bear the following general description.

Eastern Division.

MIDDLESEX

First ascertain'd a county by act of general assembly, in the proprietor's time 1682, had its boundaries particularly fix'd by subsequent acts, in 1709 and 1713. *See laws of the province, vol. 1. p. 13, 40, 41.*

In this county lies the city of Perth-Amboy, on a point of land, which divides the river Rariton, and Arthur Kull sound. It takes its name Perth from James Drummond, one of the proprietors, and earl of Perth, and Amboy from Ambo, in Indian a point. The situation for a sea trade, as lying open to Sandy-Hook,ⁱ whence vessels may arrive almost any weather in one tide from the sea, and find a safe commodious harbour, capacious enough to contain many large ships, is allow'd to be as good a port as most on the
continent;

ⁱ This took its name from its shape: not far from the land at Middletown, it winds like a hook, the shore and bottom sandy.

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continent; yet by a fatality attending almost every attempt for trade in the province, the endeavours at this have been hitherto with no great success; tho' they have a sea trade, and export to foreign markets, yet not as might be expected from the advantages of situation: The land lies high and dry, in a good air: The Scots proprietors were indefatigable to improve it; but found up-hill work; yet effected a considerable settlement: The best part of the country round has water carriage to New-York. The legislature, by early stipulation of the proprietors and inhabitants, meet here and at Burlington, alternately, to accommodate each division, and those in each towards the extremities of this long-extended province: In the same manner the supreme courts of judicature for the province were fixed: Here the courts for the county of Middlesex are held; here also the general proprietors for East-Jersey always meet, and have lately erected a large and elegant house. [*See chap. ix.*] In this county also up the Rariton, lies the city of New-Brunswick, ^k well built, but the situation low, tho' high ground adjoining; the county besides contains several villages, as Woodbridge, including Raway, Piscataway, Cranbury and Princeton; in the last is situate the New-Jersey college, a handsome capacious building:^l The college was first founded by charter from president Hamilton, and enlarged by governor Belcher, in 1747; at his death he left it a considerable donation of books. The land in this county is in part very rich, and affords beef, sheep, some pork, most sorts of grain, and smaller articles; besides staves, firewood, and other lumber, for exportation and New-York market. A general idea may be form'd of the religion of the inhabitants

^k. Here is a publick library.

^l. For a view, see *New American Mag.* 1759, p. 104.

bitants, by the houses for worship; of these, the episcopalians in this county have five, presbyterians seven, quakers four, baptists two, seventh-day baptists one, low Dutch calvinists one.

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MONMOUTH,

Boundaries by act of assembly, passed in 1709, begins at the mouth of a creek that parted lands originally belonging to Andrew Bowne and George Willocks; thence following Middlesex, to the line dividing the eastern and western division of the province; thence southerly along this line to the sea; thence along the sea to the point of sandy-hook, and thence up the bay to the creek aforesaid: It contains the villages of Shrewsbury, Middletown, Freehold, and Allen-Town: The courts for the county business, are held at Freehold. The lands in Shrewsbury, Middletown, and part of Freehold, are mostly remarkably good; they raise grain, beef, sheep, butter, cheese, and other produce for New-York market: At the high lands of Navesink, the New-York merchants have lately erected a commodious light house, for the security of navigation. The houses for worship in this county, are, presbyterians six, episcopalians four, quakers three, baptists four.

ESSEX,

Had its boundaries fixed by act of assembly, in 1709, but altered in 1741. *Laws of the province*, vol. 1. p. 12, 274. It contains the well-settled towns of Elizabeth and Newark;^m in the latter the courts for the county are held; in the former those for the ancient borough: This being an old settled county, and good land, is consequently full of inhabitants: their plantations are too high in value, to be generally large;
their

m. At each of those towns is a publick library.

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their improvements greater than in many other parts; they raise wheat, beef, sheep, and generally what is common from good land; part is carried to New-York market, and part exported in bottoms of their own: Of places for worship, the presbyterians have seven, episcopalians three, baptists one, Dutch calvinists two.

SOMERSET,

Was divided from Middlesex by a proprietary law, in 1688, and then named; its boundaries were again limited in the act of 1709, but altered by other acts in 1713 and 1741. *Vol. 1 of laws p. 12, 40. 274.* It adjoins to Middlesex on the north, the rest on Essex, Morris and Hunterdon: In it is the village of Bound-Brook: The land is rich, and being early settled by the industrious low Dutch, and a few others, much improved. Wheat is the staple of the county, of which they raise large quantities; they send their flour down Rariton river, to New-York; and near Brunswick, running under the river Rariton, is a copper mine, but not yet very profitable. In this county lies the Rocky-Hill mines: Here also at Baskin-ridge, is the seat of William Alexander, earl of Stirling; his improvements for taste and expence, promise more than any thing of the kind hitherto effected in the province. Of houses for worship, the English presbyterians have three, low Dutch reformed ditto, five, Dutch lutheran one, baptists one.

The Dutch of the calvinistical plan of Holland, in the eastern parts of this province, were very insignificant, and only supplied by their ministers from New-York and Long-Island, twice or thrice a year, (except Hackinsack, who had one Burtolf settled among them) until about the year 1719, when those of Somerset, Middlesex, and part of Hunterdon, jointly applied to Holland for a minister, from whence came Theodorus Jacobus Freelinghausen, who officiated among them,

them, and was the chief means of establishing several congregations in those parts: Since which the number of their ministers is increased to fourteen or fifteen in the eastern division; and each of them do for the most part supply two or three different congregations.

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BERGEN.

By the act of 1709, is bounded from Constable-Hook, along the bay and Hudson's river, to the partition point between New-Jersey and New-York; thence along the partition line between the said provinces, and the division line of East and West-Jersey, to Pequaneek river; thence down that and Passaick river to the sound; and thence to the place first named: Its situation on Hudson's river, opposite and adjacent to New-York, opens an advantageous intercourse with that market; their lands are generally good for grass, wheat, or any other grain. The Schuylers have here two large parks for deer. The inhabitants of the county, being the descendants of the low Dutch or Hollanders, that originally settled thereⁿ. under the Dutch title, preserve the religion of their ancestors, and worship after the manner of the reformed churches in the united provinces; in principle presbyterians, yet in subordination to the classis of Amsterdam: Their language in general, bears the Dutch accent; nor have they forgot the customs of Holland: They have of houses for worship, Dutch calvinists seven, Dutch lutherans two. In this county are the Schuylers mines. Sixteen miles above Newark in Essex, on the opposite side of Second-River, in Bergen, is the remarkable Passaick falls, the precipice from the highest part of the rock, is supposed to be about seventy feet perpendicular. In this county was born the late famous col.

Peter

ⁿ. See p. 61.

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Peter Schuyler, who died in 1762, aged about fifty-two years : He was a younger son of Aarent Schuyler, the discoverer and first owner of the mines above-mentioned. He had the command of the province troops, against the French of Canada, in divers campaigns, in the two last wars ; and by the best judges of military merit, was allowed to rank high in that character : He had qualities besides, that greatly recommended him to his acquaintance, being of a frank, open behaviour, of an extensive generosity and humanity, and unwearied in his endeavours to accomplish whatever appeared of service to his country : He was taken at Oswego, when that post was given up to the French, and long detained a prisoner in Canada ; where having letters of credit, he kept open house for the relief of his fellow sufferers, and advanced large sums to the Indians, in the French interest, for the redemption of captives ; many of whom he afterwards, at his own expence, maintained whilst there, and provided for their return ; trusting to their abilities and honour for repayment, and lost considerable that way ; but seemed to think it money well bestowed : As to person he was of a tall hardy make, rather rough at a first view, yet a little acquaintance discovered a bottom of sincerity, and that he was ready to every kind office in his power : In conversation he was above artifice or the common traffick of forms, yet seemed to enjoy friendship with its true relish ; and in all relations what he seemed to be, he was. *Matth.* vii. 20.

Western Division.

BURLINGTON.

For the first boundaries and settlement of this county, *see chap. vi.* It was limited by the act of 1709, and afterwards curtailed by another act, *Vol. i of laws, p. 41.*

The

The city of Burlington^a. was laid out in 1677, and early incorporated; but the charter now in being, was granted by governor Cosby: The Delaware before it about a mile broad, forms a convenient bason for shipping; its situation for trade is good; but eclipsed by the growing advantages of its opulent neighbour, the city Philadelphia.^b The land and air is good: where the houses chiefly stand, is an island, with two entrances on causeways, and a quantity of drain'd meadows adjoining; but long experience has proved them not unhealthy: The courts for the county are held here; the legislature of the province meet alternately at Amboy and here; the supreme courts are held in the same manner: The council chosen by the general proprietors of West-Jersey to transact their business, always meet here. [*See chap. vi.*] In this place is also a promising library, the contributors are incorporated by charter: Besides the town aforesaid, there are two others; ten mile further up Delaware, is Borden Town, founded by Joseph Borden; on a branch of Northampton or Rankokas river, is Bridge Town, or Mount Holly,

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a. Four miles from hence, a recluse person who came a stranger has existed alone, near twelve years, in a thick wood: through all the extremities of the seasons, under cover of a few leaves, supported by the side of an old log, and put together in the form of a small oven, not high or long enough to stand upright or lie extended; he talks Dutch, but unintelligibly, either through design, or from defect in his intellects, 'tis hard to tell which; whence he came or what he is, no body about him can find out; he has no contrivance to keep fire, nor uses any; in very cold weather he lies naked, stops the hole he creeps in and out at with leaves; he mostly keeps in his hut, but sometimes walks before it, lies on the ground, and cannot be persuaded to work much, nor obliged without violence to forsake this habit, which he appears to delight in, and to enjoy full health; when the woods and orchards afford him no nuts, apples, or other relief as to food, he applies now and then for bread to the neighbourhood, and with that is quite satisfied; he refuses money, but has been frequently clothed by charity; he seems to be upwards of forty years of age; as to person rather under the middle size; calls himself Francis.

p. Seventeen miles distant by land, twenty by water.

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Holly :^g In this county also are the villages of Kingsbury, Crosswicks, New-Hanover and Chester, or Moore's-Town : The arable land is generally but indifferent ; yet interspersed with quantities of good meadow, renders them profitable : Pork is the staple ; of which a large quantity is raised for the West-India market, and has deservedly gained reputation through all the islands : Beef, mutton, cheese, butter, &c. are carried to Philadelphia markets : Very little hemp or flax is raised in this county, or indeed through the province, the inhabitants contented with a little, (very little in some places) for their own use, have generally reserved their gains on other productions, for purchasing their chief supply of these and woollen articles of European manufacture ; labour is thought too high to increase it much, and the climate not so favourable as in some other places. In this county are the Indian settlements of Brotherton and Weekpink : (*See chap. xxviii.*) Of places for worship, the people called quakers have fifteen, episcopalians two, baptists one, presbyterians one. [*See a note p. 69.*]

GLOUCESTER,

First laid out in 1677, had its boundaries ascertained by the act of 1709, beginning at the mouth of Pensawkin creek ; thence up the same to the fork thereof ; thence along the line of Burlington county to the sea ; thence along the sea-coast to great Egg-Harbour river ; thence up that river to the fork ; thence up the southermost and greatest branch of the same to its head ; thence upon a direct line to the head of Oldman's creek ; thence down the same to Delaware river ; thence up that river to the place of beginning. Its situation opposite and contiguous to Philadelphia, gives great opportunities
to

to make the most of the productions of the county at that market; tho' their uplands as to the general are poor, the meadows are good and improve fast: they raise beef, pork, mutton, butter, cheese, &c. They have three villages, Gloucester, Haddonfield, and Woodbury; at the first the courts for the county are held. Of houses for worship, the people called quakers have seven, the presbyterians five, episcopalians one, Sweeds lutheran one, baptists one, moravians one.

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SALEM,

Named by John Fenwick, and distinguished by his tenth, in 1675: The name and jurisdiction settled by a proprietary law, 1694: The boundaries were fixed in 1709, but altered by act of assembly, in 1747. *Vol. 1 of laws, p. 14. 361.* Their lands and meadows are rich, and productions of any kind, natural to the climate, plenty: The chief they raise are beef, sheep, pork, butter, cheese, and grain, for exportation. It being an old settlement, the improvements are considerable as to plantations: The county business is transacted at the town of Salem, which formerly sent two members to the general assembly; but in 1727, these were given to Hunterdon, and their right of choice suspended till two additional members were added to the eastern division. Places for worship are, quakers four, episcopalians two, Dutch lutheran one, presbyterians three, baptists two.

CUMBERLAND

So named by governor Belcher, in respect to the duke of Cumberland; it was divided from Salem by act of assembly in 1747, and the boundaries fixed, (*see vol. 1. of laws, p. 361.*) the land is mostly poor; but they have good meadows and marshes; being a
new

r. Here is a publick library.

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new settled county, these are not yet greatly improved; they raise cattle and sheep for graziers; the courts are held at Cohansick creek^g or Hopewell. In this county besides is the village of Greenwich: They join with Salem in the choice of two representatives: Places for worship are, episcopalians one, presbyterians four, baptists two, seventh day baptists one, quakers one.

CAPE-MAY,

Was first made a county by a proprietary law in 1692; by another in 1694, had its boundaries better ascertained; and by the act of 1709, they were fixed to remain, beginning at the mouth of a small creek, on the west side of Stipson's island, called Jecah's creek, up the said creek as high as the tide floweth; thence along the bounds of Salem, *now Cumberland county*, to the southernmost main branch, of great Egg-Harbour river; thence down the said river to the sea; thence along the sea-coast to Delaware bay; thence up the bay to the place of beginning; the land is generally poor, but the adjoining salt marshes serve to breed cattle and horses; these with the red cedar beaches, and fish and oysters, with which the coast abounds, afford the inhabitants an easy maintenance; the county is divided into three precincts; the presbyterians have a place for worship in the first; the baptists in the second; the quakers in the third, being that next to the sea.

HUNTERDON,

Was divided from Burlington by act of assembly, in 1713, and named by governor Hunter; the boundaries were then fixed, but altered in 1738. (*See vol. 1 of laws, p. 41, 250.*) It is situate along the Delaware, above the tide, and tho' one of the later settlements

^g. This creek was called by John Fenwick, *Cæsarea river*, part of the province name, as being the most considerable creek that puts out of Delaware into West-Jersey.

ments, is the most populous and opulent county in the province. The land is generally good for tillage; wheat, the staple; their flour is carried to New-York and Philadelphia markets: The courts are held at Trenton, a place of concourse and lively trade: It stands at the head of the tide, and in a high pleasant situation; the inhabitants have a public library. In this county resides John Reading, Esq; late president of the council, and twice commander in chief on the deaths of the governors Morris and Belcher: The counties of Morris and Sussex join Hunterdon in the choice of two representatives. Of places for worship, the presbyterians have nine, the low Dutch ditto one, German ditto one, episcopalians three, quakers two, baptists two.

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MORRIS,

Was made a county in 1738; and the boundaries then established by law; but altered by the separation of Sussex, in 1753. (*Laws, vol. 1, p. 253. Vol. 2. p. 20.*) It was named by governor Morris, after his family: This, for a late settled county, is populous: The courts are held at Morris-Town: They raise grain and cattle chiefly for New-York market, and cut large quantities of timber of various sorts for exportation: In this county resides Peter Kemble, Esq; president of the council. The places for worship in this county, are, presbyterians nine, lutherans one, anabaptists one, quakers one, separatists one, rogereens one.

SUSSEX,

Was named by governor Belcher, after the duke of New-Castle's seat in Sussex: It was divided from Morris by act of assembly, in 1753, and bounded by the mouth of Muskonetkong, where it empties itself into the Delaware, and running up that river to the head of the great pond; thence north-east, to the line
that

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that divides New-York and New-Jersey; thence along the said line to Delaware; thence down the same to the place of beginning. It being the newest county, and a frontier, ^t is not much improved, and has but few inhabitants: It lies towards the head of Delaware; about fifteen miles was exposed to the Indians in the late wars, and fortified by a frontier guard, and several block-houses, at provincial expence. The courts for the county are held at Hairlocker's plantation, where a new court-house is lately built: Near the river lies the noted Paoqualin hill, being part of the continental chain or ridge, called the blue mountains, supposed to contain valuable ore: Between that and the river, is low intervale excellent land, containing a few plantations. This county raises some wheat, pork and cattle, for New-York and Philadelphia markets, and cuts lumber: It contains of low Dutch presbyterian meeting houses five, baptists two, German lutherans one, quakers one.

OF COURTS.

These are; First, chancery: Second, the governor and council: Third, the prerogative court, relating to the probate of wills, and granting letters of administration on intestates effects: Fourth, courts of vice admiralty: Fifth, supream courts held four times a year, alternately at Burlington and Amboy, and circularly through the counties generally once a year, or oftener if occasion: Sixth, the sessions, and court of common pleas, for business in the respective counties: Seventh, the justices court, for trial of causes of six pounds and under, in a summary way; these causes are not allowed to be legally decided by a single justice at a tavern, the act expressly barring against it; for debts above forty
shillings

^t Pennsylvania and New-York, both meet against it; but have few settlements.

shillings, a jury of six is allowed, if desired. The governor is chancellor. The present justices of the supream court are, Frederick Smyth, Esq; chief justice; salary one hundred and fifty pounds per annum. Charles Read, Esq; second justice; salary fifty pounds per annum. John Berrien, Esq; third justice; salary fifty pounds per annum. Ten pounds is allowed for each of the circuit courts, to the judge holding the same. All the courts are established in virtue of the royal commission; none (except the six pound court) by act of assembly: The common law is in use as in England: The customs and rules of legislation, and practices of the courts, are as near as may be, in the English model; the latter is thought to be as much so, by good judges, as that of any other colony: Appeals for sums above two hundred pounds sterling, lie home, after having gone through the courts here. *Vid.* 86th instruction, p. 255.

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Method of appealing from the plantations, to the king in council, by sir Dudley Ryder, attorney general, afterwards L. C. J. of England.

“You are to bring your cause to trial, in the chief court or jurisdiction for trial thereof; and if judgment shall be there given against you, then by your attorney, you are to appeal in open court, within fourteen days, to his majesty in council from the said judgment; and you are to obtain an entry thereof in the register of the court, at the same time offering security to prosecute such your appeal before his majesty in council, within twelve months, and to abide by his majesty’s determination in council therein: You are also to obtain authentick copies, under the publick seal of the province, of all papers and evidences produc’d in your trial, and of all entries, records thereupon; which being done, you are within twelve months,

to

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to have the same transmitted here, and to petition his majesty in council, setting forth the whole matter, and pray to be heard thereupon: But in case you shall be refused in the province to be admitted to appeal; you are then likewise to petition his majesty in council, setting forth the whole matter, and to pray, that your appeal may be admitted there; where, upon his majesty's admitting your appeal, you are to give security as before, and order will be then given for admitting the said appeal, and for the transmitting hither authentick copies of the papers and records, under the publick seal of the province, in order to the hearing all parties thereupon.

OF BEASTS.

The wild beasts, birds and fish, are those common to the rest of the continent; some of the colonies have much greater variety: Of the first, the panther, deer, bear, wolf, wild-cat, fox red and grey, raccoon, otter and a few beaver, are the chief: Old settled places have but few of those most voracious; the small tribe of squirrels, rabbits, minks, ground-hogs, &c. are numerous: The deer in every county are plentier than one would expect; they breed but once a year, with two at a time; great numbers are destroyed by traps *u.* and hunting, and by panthers, wild-cats, and sometimes wolves; The way the two first take to effect it, may

u. The enormous iron traps used for deer, with their wide jaws of destruction, are abhorrent to the common principles of humanity: There is no safety for man or beast where they are; laws to appearance well calculated, seem hitherto ineffectual in restraining them, tho' so extremely and commonly dangerous; till active men in neighbourhoods, will unite to exert themselves, and make it a common concern to discourage them, 'tis feared the danger will remain: Still worse is the practice of setting sharp stakes and loaded guns; these are scarcer, but ought to be justly detected, as below the rights of humanity, even with respect to brutes, and as common nuisances to mankind, where ever they are.

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may be known by an instance near Crosswicks, 1748, An Indian hunting, discovered a large buck feeding, creeping to shoot, he heard something among the bushes, presently saw a panther with his eyes so intent on the buck, that he did not perceive him: the Indian watching his motions, observed, that while the buck had his head down to feed, the panther crept, but when he held it up, lay snug; he at last got unperceiv'd, within about twenty feet, and then making a desperate leap, fixed his talons in the buck's neck; after he had nearly kill'd him, he would cease for a minute, give a watchful look round, and then fall to shaking again; having done his work, and about to draw the carcass to a heap of leaves for future service, the Indian shot, and got both: They sometimes take their prey by suddenly jumping out of trees; so the wild-cats also commonly effect it; these fix on young cattle so eagerly, as to be sometimes brought home on their backs: Some instances of the wolves killing deer, have been known; tho' but seldom, and chiefly by accident: The bucks also kill one another in fighting, by entangling in the horns, and so die and rot; they have been taken alive so fasten'd, and the horns of others found: The deer are sometimes white, and sometimes spotted nearly like the common colour of fauns; but these are rare; brown is the usual colour.

The rattle-snake, as the country settles thick, are but little known; many old inhabitants have never seen them alive: The mischief they have yet done, is inconsiderable, their power and opportunities considered: This is remarkable; they have an astonishing charm *x.* in

x. A person having one taken alive, and brought in a small basket cover'd, the man that brought it, sat with the basket between his knees; he wantonly took off the cover: the snake caught his attention; he was immediately surprisngly affected, and express'd afterwards every thing attractive, as to the penetrating force of the snake's

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in their eyes; the venom of their bite is perhaps without comparison; yet their power is happily circumscribed in a way the most effectual, that is, by not having a will to mischief equal to the means, otherwise there would, in some places, scarcely have been any living among them; at least before antidotes were discovered by the Indians: Formerly they were thick and plenty in particular places; and yet in the new settled parts, are common, especially in the spring, when from their winter's retreat, they prepare for a summer's separation: A surveyor, with his eye on a distant object unawares among a parcel of these, one would think in a poor situation; yet an instance of this but lately happened: He had taken a long view in the spring on the south of a hill, and keeping his eye to the object, without attending so much to his feet, was first alarm'd with a smell rank and disagreeable, and then an unusual noise, on which, looking about, he saw the leaves in motion, and woods alive with rattle-snakes; he got off by care in his steps, without harm. They choose
for

snake's eye, the snake all the while kept rattling with fury; the man's own action was lost in amazement and terror; and had not another present, put the cover on the basket, he had probably been bit.

y. Half a dozen or less, with their tails in motion, might answer this purpose; but he was too much frighted to count; there might however be many more, as there frequently are numbers together, when they first leave their holes in the spring. One Robins, in Amwell, Hunterdon county, at a spot on his own plantation, had upwards of 90 kill'd in each of three springs successively: The parties performing it, bark'd young chestnut trees of the size of their own legs, and tied them on; thus accoutred, they effected their business without much danger; but the snakes frequently bit the bark. Instances need not be multiplied in a case well known; or others where the snakes were much more numerous, might be given. At one of the quarries, where stone was got for Princeton college, the work-men came to an aperture in the rock, about eighteen inches wide, ten feet long, and six deep, in which they found near twenty bushels of snakes bones; they were supposed to have got in through winding crevices of the rock in the fall, and in their weak state in the spring, not able to get out again.

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for winter, the sunny side of hills, among rocks, where these can be had, or holes under trees, and in springy warm places : There have been dug up in their torpid state, different sort of snakes interwoven among one another, in great regularity, with their heads uniformly sticking out at the top : They obtain much of their food by striking a terror with their rattle at first, and then catching the eye of the frightened object. ‘ It is commonly said, that this (the rattle) is a kind contrivance of divine providence, to give warning to passengers, by the noise which this part makes, when the creature moves, to keep out of the way of its mischief ; now this is a mistake. It is beyond all dispute, that wisdom and goodness shine forth in all the works of the creation ; but the contrivance here is of another kind than is imagined.

‘ All the parts of animals are made either for the preservation of the individual, or for the propagation of its species ; this before us is for the service of the individual : This snake lives chiefly upon squirrels ^z and birds, which a reptile can never catch without the advantage of some management to bring them within its reach ; the way is this ; the snake creeps to the foot of a tree, and by shaking his rattle, awakens the little creatures which are lodged in it ; they are so frightened at the sight of their enemy, who fixes his lively piercing eyes upon one or other of them, that they have no power to get away, but leap about from bough to bough, till they are quite tired, and at last falling to the ground, they are snapped into his mouth. This is by the people of the country called charming the squirrels and birds.

‘ It

^z. It is reported, with circumstances of great credibility, that the Indians here had a method of taking these animals, by the meer charm of fixing their eyes, whence they have by degrees leaped down into possession.

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‘It must likewise be observed, that this snake does not make any noise with its rattle, in the common motions of its body.

‘There is something like this in the lion’s hunting for his food; the hungry tyrant, by his terrible roaring in the woods, rouses the lesser beasts out of their holes; they running about in fright and surprise, are easily seized, and become a prey to his devouring jaws.

‘And I have myself seen, upon a hawk settling upon a tree in a garden, the little birds all about it, so struck with fear, that though they could fly backwards and forwards, for some little distance, yet they have not been able to get away from the ravenous destroyer.^{a.}’

Though the use of the rattle seems principally designed for procuring food, it has certainly been the means of preservation in respect to mankind; as that alarm is frequently known to warn the unsuspecting traveller of imminent danger; that the fascinations of their eye is necessary to their existence, seems beyond a doubt; inactive and sluggish by nature, they have but little other probable means, and have been seen and kill’d in the act even with foxes detained in this manner.^{b.} No instance occurs of their hunting men, unless
first

^{a.} Dr. Mead, *vid.* his medical works, quarto, edit. 1762, p. 59. 60 here may be seen an accurate description of the head and teeth. For an exact view and description of the snake, see *Catesby’s Nat. Hist.* and supplement to the *Gent. Mag.* for 1753.

^{b.} A person of undoubted credit relates of his own knowledge, two instances of this attended with such circumstances, as leaves very little room for doubt. ‘In the end of May, 1715, stopping at an orchard by the road side to get some cherries, being three of us in company, we were entertained with the whole process of a charm between a rattle snake and a hare, the hare being better than half grown. It happened thus; one of the company in his search for the best cherries espied the hare sitting, and although he went close by her she did not move, till he (not suspecting the
occasion

first disturbed; then indeed they seldom fail. Very lately near Burlington, a mower without stockings, drawing

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‘occasion of her gentleness) gave her a lash with his whip: this made her run about ten foot, and there sit down again. The gentleman not finding the cherries ripe, immediately returned the same way, and near the place where he struck the hare, he spied a rattle snake; still not suspecting the charm, he goes back about twenty yards to a hedge to get a stick to kill the snake, and at his return found the snake removed, and coiled in the same place from whence he had moved the hare. This put him into immediate thoughts of looking for the hare again, and he soon spied her about ten foot off the snake, in the same place to which she had started when he whipt her. She was now lying down, but would sometimes raise herself on her fore-feet struggling as it were for life or to get away, but could never raise her hinder parts from the ground, and then would fall flat on her side again, panting vehemently. In this condition the hare and snake were when he called me: and though we all three came up within fifteen foot of the snake to have a full view of the whole, he took no notice at all of us, nor so much as gave a glance towards us. There we stood at least half an hour, the snake not altering a jot, but the hare often struggling and falling on its side again, till at last the hare lay still as dead for some time. Then the snake moved out of his coil, and slid gently and smoothly on towards the hare, his colours at that instant being ten times more glorious and shining than at other times. As the snake mov’d along, the hare happened to fetch another struggle, upon which the snake made a stop lying at his length, till the hare had lain quiet again for a short space; and then he advanced again till he came up to the hinder parts of the hare, which in all this operation had been towards the snake; there he made a survey all over the hare, raising part of his body above it, then turn’d off and went to the head and nose of the hare, after that to the ears, took the ears in his mouth one after the other, working each apart in his mouth as a man does a wafer to moisten it, then returned to the nose again, and took the face into his mouth, straining and gathering his lips sometimes by one side of his mouth, sometimes by the other: at the shoulders he was a long time puzzled, often haling and stretching the hare out at length, and straining forward first one side of his mouth then the other, till got at last he the whole body into his throat. Then we went to him, and taking the twist band off from my hat, I made a noose and put it about his neck: This made him at length very furious, but we having secured him, put him into one end of a wallet, and carried him on horseback five miles to mr. J. B’s house where we lodged that night, with a design to have sent him to dr. C. at Williamsburg; but mr. B. was so careful of his slaves, that he would not let him be put into his boat for fear he should get loose and mischief them;

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drawing a foot, so as to touch one, as he lay coiled among the grass, he bit him behind the ancle; the first notice,

‘them; therefore the next morning we killed him, and took the hare out of his belly, the head of the hare begun to be digested, and the hair falling off, having lain about eighteen hours in the snake’s belly.

‘In my youth I was a bear-hunting in the woods above the inhabitants, and having straggled from my companions, I was entertained at my return, with the relation of a pleasant rencounter, between a dog and a rattle-snake, about a squirrel. The snake had got the head and shoulders of the squirrel into his mouth, which being something too large for his throat, it took him up sometime to moisten the fur of the squirrel with his spawn, to make it slip down. The dog took this advantage, seiz’d the hinder parts of the squirrel, and tug’d with all his might. The snake on the other side would not let go his hold for a long time, till at last, fearing he might be bruised by the dog’s running away with him, he gave up his prey to the dog, the dog eat the squirrel, and felt no harm.

‘Another curiosity concerning this viper, which I never met with in print, I will also relate from my own observation.

‘Some time after my observation of the charm, my waiting boy being sent abroad on an errand, also took upon himself to bring home a rattle snake in a noose. I cut off the head of this snake, leaving about an inch of the neck with it; this I laid upon the head of a tobacco hogshead, one S. L. a carpenter, now alive, being with me. Now you must note, that these snakes have but two teeth, by which they convey their poison, and they are placed in the upper jaw, pretty forward in the mouth, one on each side; these teeth are hollow and crooked like a cock’s spur; they are also loose or springing in the mouth, and not fastened in the jaw-bone as all the other teeth are; the hollow has a vent also through by a small hole a little below the point of the tooth; these two teeth are kept lying down along the jaw, or shut like a spring-knife, and don’t shrink up as the talons of a cat or panther; that have also over them a loose thin film or skin of a flesh colour, which rises over them when they are raised, which I take to be only at the will of the snake to do injury; this skin does not break by the rising of the tooth only, but keeps whole till the bite is given, and then is pierced by the tooth, by which the poison is let out. The head being laid upon the hogshead, I took two little twigs or splinters of sticks, and having turn’d the head upon its crown, opened the mouth, and lifted up the fang or springing tooth on one side several times, in doing of which I at last broke the skin; the head gave a sudden champ with its mouth, breaking from my sticks, in which I observed that the poison ran down in a lump like oyl, round the root of the tooth. Then I turn’d the other side of

‘the

notice the man had, was feeling something prick in that spot; on which turning his head, he saw the snake; another in company immediately killed him, and fetching salt, that applied, prevented the venom spreading much higher than the knee; he afterwards used sweet oil, and the sencea rattle snake root; the last he thought the most effectual: He got well in a few days; a small scar remained.

Thomas Budd, a proprietor and settler in West-Jersey, in a pamphlet, published about 1686, says, 'The rattle snakes are easily discovered; they commonly lie in the paths, for benefit of the sun; if any person draws nigh them, they shake their tail, on which the rattles grow; this makes a noise like a child's rattle; I never heard of but one person bitten in Pennsylvania or New-Jersey; he was helped by live chickens slit asunder and applied to the place, which drew out the poison: As to other snakes, the most plentiful are the black snake; its bite 'tis said, does no more harm than the prick of a pin.'

The

'the head, and resolved to be more careful to keep the mouth open on the like occasion, and observe more narrowly the consequence; for it is observed, that though the heads of snakes, terrapins and such like vermin, be cut off, yet the body will not die in a long time after; the general saying is till the sun sets. After opening the mouth on the other side, and lifting up that fang also several times, he endeavoured to give another bite or champ; but I kept his mouth open, and the tooth pierced the film and emitted a stream like one full of blood in blood-letting, and cast some drops upon the sleeve of the carpenter's shirt, who had no waistcoat on. I advised him to pull off his shirt, but he would not, and received no harm; and tho' nothing could then be seen of it upon the shirt, yet in washing there appeared five green specks, which every washing appeared plainer and plainer, and lasted so long as the shirt did, which the carpenter told me was about three years after. The head we threw afterwards down upon the ground, and a sow came and eat it before our faces; and received no harm. Now I believe, had this poison lighted upon any place of the carpenter's skin, that was scratched or hurt, it might have poisoned him. I take the poison to rest in a small bag or receptacle in the hollow at the root of these teeth; but I never had the opportunity afterwards to make a farther discovery of that. *Beverly's Hist. of Virg.* p. 262, to 266.

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The wampum snake is very large, of a black and white colour; but harmless. The horn or horned snake is scarce, and but few have seen them, whence many, especially abroad, have doubted there being any such: A person of credit in Gloucester county, being in the woods not long since, and approaching a place where his dog was uncommonly barking, discovered a very large snake, and trying to kill it, an intolerable stench prevented his getting near enough; at length he threw a club at a venture, and going next day to see the effect, found the snake killed: It was uncommonly long and thick, and had a horn at the end of his tail, resembling a cock's spur. It is said they strike this horn even into trees, and kill them. A person of credit now living in Burlington county, also relates, that he has seen four, kill'd three of these snakes,^c one of them were six or seven feet long: As to colour, they are chequered with a yellowish brown and white, and when disturbed, hiss like a goose. These particular instances were here preferred to a more general account, as more likely to contribute towards putting their existence out of dispute. The viper and many other snakes abound also; but none remarkable enough to require a particular description here.

Of FISH.

These in great variety, are plenty along the coast, in the Delaware and the north river; the most noted are, sturgeon, rock, cod, sheep's-head, horse-mackrel, black-fish, sea-bass, flounders, shad, herrings, munnies, trout, pike, perch, red perch, sun-fish, many inferior sorts; besides, oysters, clams, and other shell fish: Most of these supply in great part the New-York and Philadelphia markets: The sturgeon are plenty
up

c. His son kill'd one this present summer 1765.

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up the rivers, and when more generally manufactured, will probably answer well in remittances. It is said they will grow fat in ponds, and live through the winter.

BIRDS.

Of these there are great plenty; as the wild turkey, wild geese, wild ducks of many kinds, wild pigeons, brant, pheasants, heath-hen, partridges, larks, wood-cocks, plovers, snipes, kildees, and great variety of other small birds, a few storkes and cranes, many herons, hawks, turkey-buzzards, crows, and all other birds of prey common to the continent: The wild geese, in autumn, flock to the marshes on the sea shore, and are often kill'd by gunners; in the spring they return to breed at the northern lakes. The wild pigeons, at three or four seasons in the year, commonly pay a visit (except in seed time) generally acceptable: They have not been observed of late years so plenty as formerly; they then, sometimes, to avoid the north-east storms, flew night and day, and thick enough to darken the air, and break trees where they settled, and were more tame and more wanted; all which made them an article of consequence to the early inhabitants: The Indians, before the European settlements, used every year regularly to burn the woods, the better to kill deer; the manner was to surround a swamp or cripple with fire, then drive the deer out, who not daring over the bounds, were easily kill'd with bows and arrows; this practice kept the woods clean, so that the pigeons readily got acorns, which then not being devour'd by hogs, were plenty almost every where, and induced a return more frequently than now: They breed chiefly to the northward.



APPENDIX.

NUMBER I.

The concessions and agreement of the lords proprietors of the province of New-Cæsarea, or New-Jersey, to and with all and every of the adventurers, and all such as shall settle or plant there.

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IMPRIMUS, We do consent and agree, that the governor of the said province hath power, by the advice of his council, to depute one in his place and authority, in case of death or removal, to continue until our further order, unless we have commissioned one before.

2. Item. That he hath likewise power to make choice of, and take to him six councellors at least, or twelve at most, or any even number betwixt six and twelve, with whose consent and advice, or with at least three of the six, or four of a greater number (all being summon'd) he is to govern according to the limitations and instructions following, during our pleasure.

3. Item. That the chief secretary or register which we have chosen, or shall choose, (we failing) that he shall choose, shall keep exact entries in fair books, of all publick affairs: And to avoid deceits and lawsuits, shall record and enter all grants of land from the lords to the planters; and conveyances of land, house or houses, from man to man, as also all leases for land, house or houses, made or to be made by the landlord to any tenant, for more than one year; which conveyance or lease shall be first acknowledged by the grantor or lessor, or proved by the oath of two witnesses to the lease or conveyance, before the governor, or some chief judge of a court, for the time being, who shall under his hand, on the backside of the said deed or lease, attest the acknowledgement or proof as aforesaid; which shall be a warrant for the register to record the same: Which conveyance so recorded shall be good and effectual in law, notwithstanding any other conveyance, deed or lease for the said land, house or houses, or for any part thereof, altho' dated before the conveyance, deed or lease, recorded as aforesaid: And the said register shall do all other thing or things that we by our instructions shall direct, and the governor, council and general assembly shall ordain, for the good and welfare of the said province.

4. Item. That the surveyor general that we have chosen or shall choose, (we failing that the governor shall choose) shall have power by himself or deputy, to survey, lay out and bound all such lands as shall be granted from the lords to the planters; and all other lands within the said province, which may concern particular men, as he shall be desired to do, and a particular account thereof certify

to the register, to be recorded as aforesaid. Provided, that if the said register and surveyor, or either of them, shall mis-behave themselves, as that the governor and council, or deputy governor and council, or the major part of them, shall find it reasonable to suspend their actings in their respective employments, it shall be lawful for them so to do, until further orders from us.

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5. Item. That the governor, councillors, assembly men, secretary, surveyor, and all other officers of trust, shall swear or subscribe (in a book to be provided for that purpose) that they will bear true allegiance to the king of England, his heirs and successors; and that they will be faithful to the interests of the lords proprietors of of the said province, and their heirs, executors and assigns; and endeavour the peace and welfare of the said province; and that they will truly and faithfully discharge their respective trust, in their respective offices, and do equal justice to all men, according to their best skill and judgment, without corruption, favour or affection; and the names of all that have sworn or subscribed, to be entered in a book: And whosoever shall subscribe and not swear, and shall violate his promise in that subscription, shall be liable to the same punishment that the persons are or may be, that have sworn or broken their oaths.

6. Item. That all persons that are or shall become subjects of the king of England, and swear or subscribe allegiance to the king, and faithfulness to the lords, shall be admitted to plant, and become freemen of the said province, and enjoy the freedoms and immunities hereafter express'd, until some stop or contradiction be made by us the lords, or else the governor, council and assembly; which shall be in force until the lords see cause to the contrary: Provided, that such stop shall not any ways prejudice the right or continuance of any person that have been received before such stop or orders come from the general assembly.

7. Item. That no person qualified as aforesaid, within the said province, at any time shall be any ways molested, punished, disquieted or called in question, for any difference in opinion or practice in matters of religious concerns, who do not actually disturb the civil peace of the said province; but that all and every such person and persons, may, from time to time, and at all times, freely and fully have and enjoy his and their judgments and consciences, in matters of religion, throughout the said province, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others; any law, statute or clause contained, or to be contained, usage or custom of this realm of England, to the contrary thereof in any wise notwithstanding.

8. Item. That no pretence may be taken by our heirs or assigns, for or by reason of our right of patronage and power of advouson granted by his majesty's letters patents, unto his royal highness James duke of York, and by his said royal highness unto us, thereby to infringe the general cause of liberty of conscience aforementioned: We do hereby grant unto the general assembly of the said province,

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power by act, to constitute and appoint, such and so many ministers or preachers as they shall think fit, and to establish their maintenance, giving liberty beside to any person or persons to keep and maintain what preachers or ministers they please.

9. Item. That the inhabitants being freemen, or chief agents to others of the province aforesaid; do, as soon as this our commission shall arrive, by virtue of a writ, in our names, by the governor, to be for the present (until our seal comes) sealed and signed, make choice of twelve deputies or representatives, from amongst themselves; who being chosen, are to join with the said governor and council, for the making of such laws, ordinances and constitutions as shall be necessary for the present good and welfare of the said province: But so soon as parishes, divisions, tribes, and other distinctions are made, that then the inhabitants or freeholders of the several respective parishes, tribes, divisions and districts aforesaid, do by our writs, under our seals, (which we ingage shall be in due time issued) annually meet on the first day of January, and choose freeholders for each respective division, tribe or parish, to be the deputies or representatives of the same: Which body of representatives, or the major part of them, shall, with the governor and council aforesaid, be the general assembly of the said province; the governor or his deputy being present, unless they shall wilfully refuse; in which case they may appoint themselves a president during the absence of the governor, or the deputy governor.

Which assemblies are to have power,

First. To appoint their own time of meeting, and to adjourn their sessions from time to time, to such times and places as they shall think convenient; as also to ascertain the number of their quorum; provided, the said number be not less than the third part of the whole, in whom (or more) shall be the full power of the general assembly.

Secondly. To enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said province, and them to repeal: Provided, that the same be consonant to reason, and as near as may be, conveniently agreeable to the laws and customs of his majesty's kingdom of England: Provided also, that they be not against the interest of us the lords proprietors, our heirs or assigns, nor any of those our concessions, especially that they be not repugnant to the article for liberty of conscience abovementioned; which laws, &c. so made, shall receive publication from the governor and council, (but as the laws of us and our general assembly) and be in force for the space of one year, and no more; unless contradicted by the lords proprietors; within which time, they shall be presented to us, our heirs, &c. for our ratification; and being confirmed by us, they shall be in continual force, till expired by their own limitation, or by act of repeal, in like manner to be passed as aforesaid, and confirmed.

Thirdly. By act as aforesaid, to constitute all courts, together with the limits, powers and jurisdictions of the same, as also the several offices, and number of the officers belonging to each court, with their respective salaries, fees, and perquisites, their appellations and dignities, with the penalties that shall be due to them, for the breach of their several and respective duties and trusts.

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Fourthly. By act as aforesaid, to lay equal taxes and assessments equally to raise monies or goods upon all lands (except such as belong to us the lord proprietors before settling) or persons within the several precincts, hundreds, parishes, manors, or whatsoever other divisions shall hereafter be made, and established in the said province, as often as necessity shall require, and in such manner as to them shall seem most equal and easy for the said inhabitants, in order to the better supporting of the publick charge of the said government, and for the mutual safety, defence, and security of the said province.

Fifthly. By act as aforesaid, to erect within the said province, such and so many manors, with their necessary courts, jurisdictions, freedoms and privileges, as to them shall seem meet and convenient; as also to divide the said province into hundreds, parishes, tribes, or such other divisions and districtions as they shall think fit, and the said divisions, to distinguish by what names we shall order or direct, and in default thereof, by such names as they please; as also in the said province to create and appoint such and so many ports, harbours, creeks and other places. for the convenient loading and unloading of goods and merchandize, out of ships, boats, and other vessels, as shall be expedient with such jurisdictions, privileges and franchises, to such ports &c. belonging, as they shall judge most conducing to the general good of the said plantation or province.

Sixthly. By their enacting, to be confirmed as aforesaid, to erect, raise and build within the said province, or any part thereof, such and so many forts, fortresses, castles, cities, corporations, boroughs, towns, villages, and other places of strength and defence; and them, or any of them, to incorporate with such charters and privileges, as to them shall seem good, and the grant made unto us, will permit; and the same, or any of them, to fortify and furnish with such provisions and proportions of ordnance, powder, shot, armour, and all other weapons, ammunition and habiliments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said province; but they may not at any time demolish, dismantle, or disfigure the same, without the consent of the governor and the major part of the council of the said province.

Seventhly. By act as aforesaid, to constitute trained bands and companies, with the number of soldiers, for the safety, strength, and defence of the said province, and of the forts, castles, cities, &c. to suppress all mutinies and rebellions, to make war offensive and defensive, with all Indians, strangers and foreigners, as they shall see cause; and to pursue an enemy as well by sea as by land (if need be) out of the limits and jurisdictions of the said province, with the particular consent of the governor, and under his conduct, or of our commander in chief, or whom he shall appoint.

Eighthly. By act aforesaid, to give to all strangers, as to them shall seem meet, a naturalization, and all such freedoms and privileges within the said province, as to his majesty's subjects do of right belong, they swearing or subscribing as aforesaid; which said strangers, so naturalized and privileged, shall be in all respects accounted in the said province as the king's natural subjects.

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Ninthly. By act as aforesaid, to prescribe the quantities of land which shall be from time to time allotted to every head, free or servant, male or female, and to make or ordain rules for the casting of lots for land, and the laying out of the same: Provided, that they do not in their prescriptions, exceed the several proportions which are hereby granted by us, to all persons arriving in the said province, or adventuring thither.

Tenthly. The general assembly, by act as aforesaid, shall make provision for the maintenance and support of the governor, and for the defraying of all necessary charges of the government; as also the constables of the said province, shall collect the lords rent, and shall pay the same to the receiver that the lords shall appoint to receive the same; unless the said general assembly shall prescribe some other way whereby the lords may have their rents duly collected, without charge or trouble to them.

Eleventhly, and lastly. To enact, constitute and ordain, all such other laws, acts and constitutions, as shall or may be necessary for the good prosperity and settlement of the said province (excepting what by these presents is excepted) and conforming to the limitations herein exprest.

The governor is with his council before expressed,

First. To see that all courts established by the laws of the general assembly, and all ministers and officers, civil and military, do and execute their several duties and offices respectively, according to the laws in force, and to punish them for swerving from the laws, or acting contrary to their trust, as the nature of their offences shall require.

Secondly, According to the constitution of the general assembly, to nominate and commissionate the several judges, members and officers of courts, whether magistratical or ministerial, and all other civil officers, coroners, &c. and their commissions, powers and authority, to revoke at pleasure. Provided, that they appoint none but such as are freeholders in the province aforesaid, unless the general assembly consent.

Thirdly, According to the constitution of the general assembly, to appoint courts and officers, in cases criminal, and to empower them to inflict penalties upon offenders, against any of the laws in force in the said province, as the said laws shall ordain; whether by fine, imprisonment, banishment, corporal punishment, or to the taking away of member or life itself, if there be cause for it.

Fourthly. To place officers and soldiers for the safety, strength and defence of the forts, castles, cities, &c. according to the number appointed by the general assembly, to nominate, place and commissionate all military officers under the dignity of the said governor, who is commissioned by us, over the several train'd bands and companies, constituted by the general assembly, as colonels, captains, &c. and their commissions to revoke at pleasure: The governor, with the advice of his council, unless some present danger will not permit him, to advise to muster and train all forces within the said province, to prosecute war, pursue an enemy, suppress all rebellions and

and mutinies, as well by sea as land; and to exercise the whole militia, as fully as we by the grant from his royal highness can empower them to do: Provided, that they appoint no military forces but what are freeholders in the said province, unless the general assembly shall consent.

Fifthly, Where they see cause, after condemnation, to reprieve, until the case be presented, with a copy of the whole trial, proceedings and proofs, to the lords, who will accordingly either pardon or command execution of the sentence on the offender; who is in mean time to be kept in safe custody, till the pleasure of the lords be known.

Sixthly, In case of death or other removal of any of the representatives within the year, to issue summons, by writ, to the respective division or divisions for which he or they were chosen, commanding the freeholders of the same to choose others in their stead.

Seventhly, To make warrants and seal grants of lands, according to those our concessions and the prescriptions by the advice of the general assembly, in such form as shall be at large set down in our instructions to the governor, in his commission, and which are hereafter expressed.

Eighthly, To act and do all other things that may conduce to the safety, peace and well government of the said province, as they shall see fit; so as they be not contrary to the laws of the said province.

And for the better security of all the inhabitants in the said province.

First. They are not to impose, nor suffer to be imposed, any tax, custom, subsidy, tallage, assessment, or any other duty whatsoever, upon any colour or pretence, upon the said province and inhabitants thereof, other than what shall be imposed by the authority and consent of the general assembly, and then only in manner as aforesaid.

Secondly. They are to take care, that lands quietly held, planted and possessed seven years after its being duly surveyed by the surveyor general, or his order, shall not be subject to any review, re-survey or alteration of bounds, on what pretence soever, by any of us, or any officer or minister under us.

Thirdly. They are to take care, that no man, if his cattle stray or range, or graze, on any ground within the said province, not actually appropriated or set out to particular persons, shall be liable to pay any trespass for the same, to us, our heirs, or executors. Provided, that custom of commons be not thereby pretended to, nor any person hindered from taking up and appropriating any lands so grazed upon, and that no person do purposely suffer his cattle to graze on such lands.

And that the planting of the said province may be the more speedily promoted.

First. We do hereby grant unto all persons who have already adventured into the said province of New-Cæsaria, or New-Jersey, or shall transport themselves or servants before the first of day January, which shall be in the year of our lord, 1665, these following proportions, viz. To every freeman that shall go with the first governor from the port where he embarks (or shall meet him at the rendezvous
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he appoints for the settlement of a plantation, there armed with a good musket, bore twelve bullets to the pound, with ten pounds of powder and twenty pounds of bullets, with bandoliers and matches convenient, and with six months provision: for his own person arriving there, one hundred and fifty acres of land, English measure; and for every able man servant, that he shall carry with him, armed and provided as aforesaid, and arriving there, the like quantity of one hundred and fifty acres of land, English measure; and whosoever shall send servants at that time, shall have, for every able man servant he or she shall send armed and provided as aforesaid, and arriving there, the like quantity of one hundred and fifty acres; and for every weaker servant or slave, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, seventy five acres of land; and to every christian servant, exceeding the age aforesaid, after the expiration of their time of service, seventy five acres of land for their own uses.

Secondly. Item, To every master or mistress, that shall go before the first day of January, which shall be in the year of our lord 1665, one hundred and twenty acres of land; and for every able man servant, that he or she shall carry or send armed and provided as aforesaid, and arriving within the time aforesaid, the like quantity of one hundred and twenty acres of land; and for every weaker servant or slave, male or female, exceeding the age of fourteen years, arriving there, sixty acres of land; and to every christian servant, to their own use and behoof, sixty acres of land.

Thirdly. Item, To every free man or free woman, that shall arrive in the said province, armed and provided as aforesaid, within the second year, from the first day of January 1665, to the first day of January 1666, with an intention to plant, 90 acres of land, English measure; and for every able man servant, that he or she shall carry or send armed and provided as aforesaid, ninety acres of land like measure.

Fourthly. Item. For every weaker servant or slave, aged as aforesaid, that shall be so carried or sent thither within the second year, as aforesaid, forty-five acres of land of like measure; and to every christian servant that shall arrive the second year, forty-five acres of land of like measure, after the expiration of his or their time of service, for their own use and behoof.

Fifthly. Item. To every free man and free woman, armed and provided as aforesaid, that shall go and arrive with an intention to plant, within the third year, from January 1666, to January 1667, armed and provided as aforesaid, three score acres of land of like measure; and for every able man servant, that he or they shall carry or send within the said time, armed and provided as aforesaid, the like quantity of three score acres of land; and for every weaker servant or slave, aged as aforesaid, that he or they shall carry or send within the third year, thirty acres of land; and to every christian servant so carried or sent in the third year, thirty acres of land of like measure, after the expiration of their time of service. All which land, and all other that shall be possessed in the said province, are to be held on the same terms and conditions as is before mentioned, and as hereafter in the following paragraphs

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is more at large expressed. Provided always, that the before mentioned land, and all other whatsoever, that shall be taken up and so settled in the said province, shall afterward from time to time for the space of thirteen years, from the date hereof, be held upon the conditions aforesaid, continuing one able man servant or two such weaker servants as aforesaid, on every hundred acres a master or mistress shall possess, besides what was granted for his or her own person: in failure of which, upon other disposure to the present occupant, or his assigns, there shall be three years giving to such for their completing the said number of persons, or for their sale or dispositions of such part of their lands, as are not so peopled within such time of three years: If any such person holding any land, shall fail, by himself his agents, executors or assigns, or some other way to provide such number of persons, unless the general assembly shall without respect to poverty, judge it was impossible for the party so failing, to keep or procure his or her number of servants to be provided for as aforesaid; in such case, we the lords to have power of disposing of so much of such land as shall not be planted with its due number of persons as aforesaid, to some others that will plant the same. Provided always, that no person arriving in the said province, with purpose to settle (they being subjects or naturalized as aforesaid) be denied a grant of such proportions of land, as at the time of their arrival there are due to themselves or servants, by concession from us as aforesaid; but have full licence to take up and settle the same, in such order and manner as is granted or prescribed. All lands (notwithstanding the powers in the assembly aforesaid) shall be taken up by warrant from the governor, and confirmed by the governor and council, under a seal to be provided for that purpose, in such order and method, as shall be set down in this declaration, and more at large in the instruction to the governors and council.

And that the lands may be the more regularly laid out, and all persons the better ascertained of their titles and possession.

First. The governor and council and general assembly, (if any be) are to take care, and direct that all lands be divided by general lots, none less than two thousand one hundred acres, nor more than twenty-one thousand acres in each lot, excepting cities, towns, &c. and the near lots of townships; and that the same be divided into seven parts; one seventh part to us, our heirs and assigns; the remainder to persons as they come to plant the same, in such proportions as is allowed.

Secondly, Item. That the governor, or whom he shall depute, in case of death or absence, if some be not before commissioned by us as aforesaid, to give to every person to whom land is due, a warrant, signed and sealed by himself, and the major part of his council, and directed to the surveyor general, or his deputy, commanding him to lay out, limit and bound _____ acres of land, (as his due proportion) is for such a person, in such allotment, according to the warrant; the register having first recorded the same, and attested the record upon the warrant: The surveyor general, or his deputy, shall proceed and certify to the chief secretary or register, the name of the person for whom he hath laid out land, by virtue of

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of what authority, the date of the authority or warrant, the number of acres, the bounds, and on what point of compass the several limits thereof lye; which certificate the register is likewise to enter in a book to be prepared for that purpose, with an alphabetical table, referring to the book, that so the certificate may be the easier found; and then to file the certificates, and the same to keep safely: The certificate being entered, a warrant comprehending all the particulars of land mentioned in the certificate aforesaid, is to be signed and sealed by him and his council, or the major part of them as aforesaid, they having seen the entry, and directed to the register or chief secretary, for his preparing a grant of the land to the party for whom it is laid out; which grant shall be in the form following, viz.

'The lords proprietors of the province of New-Cæsaria, or New-Jersey, do hereby grant unto A. B. of the——in the province aforesaid, a plantation, containing——acres, English measure; bounding as in the certificate, to hold to him or her, his or her heirs and assigns for ever, yielding and paying yearly unto the said lords proprietors, their heirs or assigns, every twenty fifth day of March, according to the English accompt, one half penny of lawful money of England, for every of the said acres, to be holden as of the manor of East Greenwich, in free and common socage, the first payment of which rents to begin the 25th day of March, which shall be in the year of our lord 1670, according to the English accompt. Given under the seal of the said province, the——day——in the year of our lord 1667.

To which instrument the governor or his deputy, hath hereby full power to put the seal of the said province, and to subscribe his name; as also the council, or major part of them, are to subscribe their names, and then the instrument or grant is to be by the register recorded in the book of records for that purpose; all which being done according to these instructions, we hereby declare, that the same shall be effectual in law, for the enjoyment of the said plantation, and all the benefits and profits of and in the same, (except the half part of mines of gold and silver,) paying the rent as aforesaid: Provided, that if any plantation so granted, shall by the space of three years, be neglected to be planted with a sufficient number of servants as is before mentioned, that then it shall and may be lawful for us otherwise to dispose thereof, in whole or in part, this grant notwithstanding.

Thirdly. Item, We do also grant convenient proportions of land for high ways and streets, not exceeding one hundred feet in breadth in cities, towns and villages, &c. and for churches, forts, wharfs, keys, harbours, and for publick houses, and to each parish for the use of their ministers, two hundred acres, in such places as the general assembly shall appoint.

Fourthly. Item, The governor is to take notice, that all such lands laid out for the uses and purposes aforesaid, in the next preceding article, shall be free and exempt from all rents, taxes and other charges and duties whatsoever, payable to us, our heirs or assigns.

Fifthly. Item, That in laying out lands for cities, towns, villages, boroughs, or other hamlets, the said lands be divided into seven parts,
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one seventh part whereof to be by lot laid out for us, and the rest to be divided to such as shall be willing to build thereon, they paying after the rate of one penny or half penny per acre, (according to the value of the land) yearly to us, as for their other lands as aforesaid; which said lands in the cities and towns, &c. is to be assured to each possessor by the same way and instrument, as is before mentioned.

Sixthly. Item. That all rules relating to the building of each street, or quantity of ground to be allotted to each house within the said respective cities, boroughs and towns, be wholly left, by act as aforesaid, to the wisdom and discretion of the general assembly.

Seventhly. Item. That the inhabitants of the said province have free passage thro' or by any seas, bays, creeks, rivers, or rivulets &c, in the said province, through or by which they must necessarily pass to come from the main ocean to any part of the province aforesaid.

Eighthly and lastly. It shall be lawful for the representatives of the freeholders, to make any address to the lords, touching the governor or council, or any of them, or concerning any grievance whatsoever, or for any other thing they shall desire, without the consent of the governor and council, or any of them. Given under our seal of our said province, the 10th day of February, in the year of our lord 1664.

RECORDED,
G. CARTER.

N U M B E R I I .

The concessions and agreements of the proprietors, freeholders and inhabitants of the province of West New-Jersey, in America.

C H A P. I .

WE do consent and agree as the best present expedient that such persons as shall be from time to time deputed, nominated and appointed commissioners by the present proprietors, or the major part of them, by writing under their hands and seals, shall be commissioners for the time being, and have power to order and manage the estate and affairs of the said province of West New-Jersey, according to these our concessions hereafter following, and to depute others in their place and authority in case of death or removal, and to continue until some other persons be deputed, nominated and appointed by the said proprietors or the major part of them, to succeed them in that office and service. And the commissioners for the time being, are to take care, for setting forth and dividing all the lands of the said province as be already taken up, or by themselves shall be taken up and contracted for with the natives; and the said lands so taken up and contracted for, to divide into one hundred parts, as occasion shall require; that is to say, for every quantity of land that they shall from time to time lay out to be planted and settled upon, they shall first, for expedition, divide the same into ten equal parts or shares, and

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and for distinction sake, to mark in the register, and upon some of the trees belonging to every tenth part, with the letters A. B. and so end at the letter K. And after the same is so divided and marked, the said commissioners are to grant unto Thomas Hutchinson, of Beverly, Thomas Pearson, of Bonwicke, Joseph Helmsly, of Great Ketke, George Hutchinson, of Sheffield, and Mahlon Stacy, of Hansworth, all of the county of York, or their lawful deputies, or particular commissioners, for themselves and their friends, who are a considerable number of people, and many speedily promote the planting of the said province. That they may have free liberty to make choice of any one of the said tenth parts or shares, which shall be first divided and set out, being also done with their consent, that they may plant upon the same as they see meet; and afterward any other person or persons who shall go over to inhabit, and have purchased to the number of ten proprietries, they shall and may have liberty to make choice of any of the remaining parts or shares to settle in: And all other proprietors who shall go over to settle as aforesaid, and cannot make up amongst them the number of ten proprietors; yet nevertheless, they shall and may have liberty to make choice of settling in any of the said tenth shares, that shall not be taken up before: And the commissioners have hereby power to see the said one tenth part, that they shall so make choice of, laid out and divided into ten proprietries, and to allot them so many proprietries out of the same as they have order for; and the said commissioners are to follow these rules, until they receive contrary order from the major part of the proprietors, under their hands and seals.

The said commissioners for the time being, have hereby power for appointing and setting out fit places for towns, and to limit the boundaries thereof; and to take care they be as regular built as the present occasion, time, and conveniency of the places will admit of. And that all towns to be erected and built, shall be with the consent of the commissioners for the time being, or the major part of them. And further, the said commissioners are to order the affairs of the said province, according to these concessions, and any other instructions that shall be given them by the major part of the proprietors, until such time as more or other commissioners shall be chosen by the inhabitants of West-Jersey, as here in these concessions is mentioned and appointed.

And it is further expressly provided and agreed to, that whereas there is a contract or agreement granted by William Penn, Gawen Lawrie and Nicholas Lucas, unto Thomas Hutchinson, Thomas Pearson, Joseph Helmsly, George Hutchinson and Mahlon Stacy, dated the second day of the month called March, 1676, instant, wherein they grant unto the said persons, certain privileges for a town to be built, whereby they have liberty to choose their own magistrates and officers for executing the laws according to the concessions within the said town; which said contract or agreement is to be held firm and good to all intents and purposes, and we do by these our concessions confirm the same.

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AND that all and every person and persons, may enjoy his and their just and equal propriety and purchase of lands, in the said province: it is hereby agreed, concluded and ordained, that the surveyor or surveyors, that the said proprietors have deputed and appointed, or shall depute and appoint; they failing, that the commissioners shall depute and appoint, or that the general free assembly hereafter shall depute and appoint, shall have power by him or themselves, or his or their lawful deputy or deputies, to survey, lay out or bound, all the proprietors lands, and all such lands as shall be granted from any of the proprietors to the freeholders, planters, or inhabitants, and a particular or terrior thereof, to certify to the register, to be recorded.

CHAP. III.

THAT hereafter upon further settlement of the said province, the proprietors, freeholders, and inhabitants, resident upon the said province, shall and may, at or upon the five and twentieth day of the month called March, which shall be in the year according to the English account, one thousand six hundred and eighty; and so thence forward, upon the five and twentieth day of March yearly, by the ninth hour in the morning of the said day, assemble themselves together, in some publick place to be ordered and appointed by the commissioners for the time being; and upon default of such appointment, in such place as they shall see meet, and then and there elect of and amongst themselves, ten honest and able men, fit for government, to officiate and execute the place of commissioners for the year ensuing, and until such time as ten more for the year then next following, shall be elected and appointed: Which said elections shall be as followeth, that is to say, the inhabitants each ten of the one hundred proprietries, shall elect and choose one, and the one hundred proprietries shall be divided into ten divisions or tribes of men.

And the said elections shall be made and distinguished by balloting trunks, to avoid noise and confusion, and not by voices, holding up of the hands, or otherwise howsoever: Which said commissioners so yearly to be elected, shall likewise govern and order the affairs of the said province, (pro tempore) for the good and welfare of the said people, and according to these our concessions, until such time as the general free assembly shall be elected and deputed in such manner and wise as is hereafter expressed and contained.

CHAP. IV.

And that the planting of the said province be the more speedily promoted, it is consented, granted, concluded, agreed and declared,

First. THAT the proprietors of the said province, have and do hereby grant unto all persons, who by and with the consent of one or more of any of the proprietors of the said province, at-
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tested by the certificate, under his or their hands and seals, adventure to the said province of west New-Jersey, and shall transport themselves or servants, before the first day of the month commonly called April, which shall be in the year of our lord one thousand six hundred seventy and seven, these following proportions, viz. For his own person arriving, seventy acres of land, English measure; and for every able man servant that he shall carry with him, and arriving there, the like quantity of seventy acres of land, English measure: And whosoever shall send servants before that time, shall have for every able man servant, he or they so send as aforesaid, and arriving there, the like quantity of seventy acres; and for every weaker servant, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, fifty acres of land; and after the expiration of their time of service, fifty acres of land for their own use and behoof, to hold to them and their heirs forever. All such person and persons, freemen or servants, and their respective heirs and assigns, afterwards paying yearly to the proprietor, his heirs and assigns, to whom the said lands belong, one penny an acre, for what shall be laid out in towns, and one half penny an acre, for what shall be laid out elsewhere: The first yearly payment to begin within two years after the lands are laid out.

Secondly, To every master or mistress, that by and with such consent aforesaid, shall go hence the second year, before the first day of the month called April, which shall be in the year one thousand six hundred seventy and eight, fifty acres of land; and for every able man servant, that he or she shall carry or send, and arriving there, the like quantity of fifty acres of land; and for every weaker servant, male or female, exceeding the age of fourteen years, arriving there, thirty acres of land; and after the expiration of their service, thirty acres of land, for their own use and behoof; to hold to them and their heirs forever: All the said persons, and their respective heirs and assigns, yearly paying as aforesaid, to the proprietor, his heirs and assigns, to whom the land belongs, one penny farthing the acre, for all such lands as shall be laid out in towns, and three farthings the acre, for all that shall be laid out elsewhere.

Thirdly, To every freeman that shall arrive in the said province, within the third year, from the first day of the month commonly called April, in the year one thousand six hundred seventy and eight, to the first of the said month called April, one thousand six hundred seventy and nine, (with an intention to plant) forty acres of land, English measure; and for every able man servant, that he or she shall carry or send as aforesaid, forty acres of land, of like measure; and for every weaker servant, aged as aforesaid, that shall be so carried or sent thither, within the third year as aforesaid, twenty acres of land, of like measure; and after the expiration of his or their time of service, twenty acres of land for their own use and behoof; to hold to them and to their heirs forever: All the said persons and their heirs and assigns, paying yearly as aforesaid, to the proprietor, his heirs and assigns, with whom they contract for the same, one penny half penny the acre, for what shall be laid out in towns, and one penny the acre for what shall be laid out elsewhere.

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All which lands that shall be possessed in the said province, are to be held under, and according to the concessions and conditions as is before mentioned, and as hereafter in the following paragraph, is more at large expressed. Provided always, that the before mentioned land that shall be taken up and so settled in the province as aforesaid, shall from the date hereof, be held upon the conditions aforesaid, containing at least, two able men servants, or three such weaker servants as aforesaid, for every hundred acres; and so proportionably for a lesser or greater quantity as one hundred acres, besides what a master or mistress shall possess, which was granted for his or her own person; in failure of which, upon notation to the present occupant or his assigns, there shall be three years given to such, for the completing the said number of servants, and for their sale or other dispose of such part of their lands as are not so peopled: Within which time of three years, if any persons holding any land, shall fail by himself, his agents, executors or assigns, or some other way, to provide such number of persons, (unless the general assembly shall without respect to poverty, judge it was impossible for the party so failing to keep his or her number of servants to be provided as aforesaid) in such case the commissioners are to summon together twelve men of the neighbourhood, upon such inquest, verdict and judgment past of such default; they are and have power of disposing of so much of such land, for any term of years, not exceeding 20 years, as shall not be planted with its due number of persons as aforesaid, to some other that will plant the same; reserving and preserving to the proprietor, or his lawful assigns, the rents to become due and owing, for or in respect of the same, according to the tenor and effect of these concessions. And further, that every proprietor that goeth over in person, and inhabit in the said province, shall keep and maintain upon every lot of land that they shall take up, one person at least; and if the lot shall exceed 200 acres, he shall keep and maintain for every 200 acres, the like quantity of one person at the least.

And for all other proprietors that doth but go over in person, and inhabit in the said province, shall keep and maintain upon every lot of land that shall fall to them, one person at the least; and if the said lot exceed one hundred acres, then upon every hundred acres that fall to them as aforesaid, they shall keep and maintain one person at the least: And if any neglect or deficiency shall be found in any of the proprietors, of their keeping and maintaining the number of persons before mentioned; that then and in that case, the commissioners are to dispose upon the said lands for any term of years not exceeding twenty, to any person or persons that will keep and maintain upon the said lands the number of persons as before is mentioned; reserving always unto the said proprietors, the rents that shall fall due for the same, as before is reserved and appointed to be so. Always provided, that the keeping and maintaining of the said number of persons upon the several lots and number of acres before mentioned, is to continue for ten years from the date of the concessions, and no longer; except where there have been any deficiency, so as the commissioners have let the lands for a longer time, to any person or persons, they are to enjoy the same during the term granted

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granted them by the commissioners; any thing in this last proviso, to the contrary notwithstanding.

CHAP. V.

And for the regular laying out of all lands whatsoever in the said province, this method is to be followed by the register and surveyor.

THAT the register to be appointed as aforesaid, having recorded any grant from any of the proprietors, to any person, for any quantity or quantities of acres, shall make out a certificate to the surveyor or his deputy, enjoining him to lay out, limit and bound _____ acres of land, for A. B. out of the several lots of C. D. one of the proprietors, in the proportions following; that is to say,

_____ part thereof in the lot of said C. D. in which the surveyor or his deputy, shall lay out, limit and bound accordingly, and shall certify back to the register on what point of the compass the several limits thereof lie, and on whose lands the several parcels butt and bound; which last certificate shall be entered by the said register or his deputy, in a book for that purpose, with an alphabetical table of the proprietors names, and the name of the planter or purchaser referring to the said certificate, shall by the said register be endorsed in the back of the grant, with the folio of the book in which it is entered, and his name subscribed to the said endorsement.

And that the commissioners for the time being, are hereby empowered to ascertain the rates and fees of the public register, surveyor and other officers, as they shall see meet and reasonable, how much or what every one shall pay for registering any conveyance, deed, lease, speciality, certificate, or other writing; as also what shall be paid by every proprietor for surveying, dividing, and laying out of any lands in the said province; which said register, surveyor, or other officer, is not to exact or demand any more or greater rates as shall be established as aforesaid.

CHAP. VI.

WE do also grant convenient portions of land for highways, and for streets, not under one hundred feet in breadth, in cities, towns and villages; and for wharffs, keys, harbours, and for publick houses, in such place as the commissioners for the time being (until there be a general assembly) shall appoint; and that all such lands laid out for the said uses and purposes, shall be free and exempt from all rents, taxes, and other charges and duties whatsoever; as also, that the inhabitants of the said province have free passage through or by any seas, bounds, creeks, rivers, rivulets in the said province, through or by which they must necessarily pass to come from the main ocean to any part of the province aforesaid; as also by land in ways laid out or through any lands not planted or enclosed.

That all the inhabitants within the said province of West-Jersey, have the liberty of fishing in Delaware river, or on the sea coast; and the liberty of hunting and killing any deer or other wild beasts, the liberty to shoot or take any wild fowls within the said province.

Provided

Provided always, that they do not hunt, kill, shoot, or take any such deer, wild beasts, or fowls, upon the lands that is or shall be surveyed, taken up, inclosed, sown and planted, except the owners of the said lands or their assigns.

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CHAP. VII.

THE commissioners are to take care, that lands quietly held, planted and possessed seven years after its being first duly surveyed by the surveyor or surveyors, his or their lawful deputies, which shall be appointed by the said proprietors, and registered in manner as aforesaid, shall not be subject to any review, resurvey or alteration of bounds, upon any pretence, or by any pretence, or by any person or persons whatsoever.

CHAP. VIII.

THE commissioners are to take care, that no man, if his cattle stray, range, or graze on any ground within the said province, not actually appropriated or set out to particular persons, shall be liable to pay any trespass for the same: Provided, that custom of commons be not thereby pretended to, nor any person hindered from legally taking up and appropriating any land so grazed upon.

CHAP. IX.

THE commissioners are to see, that all courts established by the laws and constitutions of the general assembly, and pursuant unto those concessions, do execute their several duties and offices respectively, according to the laws in force; and to displace or punish them for violating the said laws, or acting contrary to their duty and trusts, as the nature of their offences shall require; and where they see cause of condemnation or sentence pass'd upon any person or persons, by any judge, justice, or court whatsoever, the said commissioners have power to reprove and suspend the execution of the sentence, until the cause be presented, with a copy of the whole trial, proceeding and proofs, to the next general assembly; who may accordingly either pardon or command execution of the sentence on the offender or offenders, (who are to be kept in the mean time in safe custody until the sense of the general assembly be known therein.)

CHAP. X.

TO act and do all other thing or things that may conduce to the safety, peace and well-government of the said province, and these present concessions, and that all inferior officers be accountable to the commissioners, and they to be accountable to the general assembly. The commissioners are to take care, that the constables of the said province, shall collect such of the proprietors rents, who dwell not in the said province, but in England, Ireland, or Scotland; and shall pay it to the receiver that they shall appoint to receive the same; unless the general assembly shall prescribe some other way whereby they may have their rents duly collected, without charge and trouble to the said proprietors.

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CHAP. XI.

THEY are not to impose or suffer to be imposed, any tax, custom or subsidy, tollage, assessment, or any other duty whatsoever, upon any colour or pretence how specious soever, upon the said province and inhabitants thereof, without their own consent first had, or other than what shall be imposed by the authority and consent of the general assembly, and that only in manner and for the good ends and uses as aforesaid.

CHAP. XII.

THAT that the said commissioners, registers, surveyors, and all and every other publick officers of trust whatsoever, already deputed and chosen, or hereafter from time to time to be deputed and chosen, shall subscribe (in a book or books to be provided for that purpose) that they will truly and faithfully discharge their respective trusts according to the law of the said province, and tenor of these concessions, in their respective offices and duties; and do equal justice and right to all men, according to their best skill and judgment, without corruption, favour, or affection; and the names of all that shall subscribe, to be entered in the said book; and who-soever shall subscribe, and shall violate, break or any wise falsify his promise after such subscription, shall be liable to be punished or fined, and also be made incapable of any publick office within the said province.

The Charter or fundamental laws of West New-Jersey, agreed upon.

CHAP. XIII.

That these following concessions are the common law or fundamental rights of the province of West New-Jersey.

THAT the common law or fundamental rights and privileges of West New-Jersey, are individually agreed upon by the proprietors and freeholders thereof to be the foundation of the government; which is not to be altered by the legislative authority, or free assembly hereafter mentioned and constituted; but that the said legislative authority is constituted according to these fundamentals, to make such laws as agree with and maintain the said fundamentals, and to make no laws that in the least contradict, differ, or vary from the said fundamentals, under what pretence or allegation soever.

CHAP. XIV.

BUT if it so happen, that any person or persons of the said free assembly, shall therein designedly, wilfully and maliciously move, or excite any to move, any matter or thing whatsoever, that contradicts or any ways subverts any fundamental of the said laws in the constitution of the government of this province, it being proved by seven honest and reputable persons; he or they shall be proceeded against as traitors to the said government.

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THAT these concessions, law or great charter of fundamentals, be recorded in a fair table, in the assembly house; and that they be read at the beginning and dissolving of every general free assembly: And it is further agreed and ordained, that the said concessions, common law, or great charter of fundamentals, be writ in fair tables, in every common hall of justice within this province; and that they be read in solemn manner four times every year, in the presence of the people, by the chief magistrates of those places.

CHAP. XVI.

THAT no men, nor number of men upon earth, hath power or authority to rule over men's consciences in religious matters; therefore it is consented, agreed and ordained, that no person or persons whatsoever, within the said province, at any time or times hereafter shall be any ways, upon any pretence whatsoever, called in question, or in the least punished or hurt, either in person, estate or privilege, for the sake of his opinion, judgment, faith or worship towards God, in matters of religion; but that all and every such person and persons, may from time to time, and at all times, freely and fully have and enjoy his and their judgments, and the exercise of their consciences, in matters of religious worship throughout all the said province.

CHAP. XVII.

THAT no proprietor, freeholder or inhabitant of the said province of West New-Jersey, shall be deprived or condemned of life, limb, liberty, estate, property, or any ways hurt in his or their privileges, freedoms or franchises, upon any account whatsoever, without a due trial, and judgment passed by twelve good and lawful men of his neighbourhood first had; and that in all causes to be tried, and in all trials, the person or persons arraigned, may except against any of the said neighbourhood, without any reason rendered, (not exceeding thirty-five) and in case of any valid reason alledged, against every person nominated for that service

CHAP. XVIII.

AND that no proprietor, freeholder, free-denison or inhabitant in the said province, shall be attached, arrested, or imprisoned, for or by reason of any debt, duty, or other thing whatsoever, (cases felonious, criminal and treasonable, excepted) before he or she have personal summon or summons left at his or her last dwelling place, if in the said province, by some legal authorized officer, constituted and appointed for that purpose, to appear in some court of judicature for the said province, with a full and plain account of the cause or thing in demand; as also the name or names of the person or persons at whose suit, and the court where he is to appear; and that he hath at least fourteen days time to appear and answer the said suit, if he or she live or inhabit within forty miles, English, of the said court; and if at further distance, to have for every twenty miles, two days time more, for his and their appearance, and so proportionably for a larger distance of place.

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That upon the recording of the summons, and non-appearance of such person and persons, a writ or attachment shall or may be issued out to arrest or attach the person or persons of such defaulters, to cause his or their appearance in such court, returnable at a day certain, to answer the penalty or penalties in such suit or suits; and if he or they shall be condemned by legal tryal and judgment, the penalty or penalties shall be paid and satisfied out of his or their real or personal estate so condemned, or cause the person or persons so condemned to lie in execution till satisfaction of the debt and damages be made. Provided always, if such person or persons so condemned, shall pay and deliver such estate, goods and chattels, which he or any other person hath for his or their use, and shall solemnly declare and aver, that he or they have not any further estate, goods or chattels whatsoever, to satisfy the person or persons (at whose suit he or they are condemned) their respective judgments, and shall also bring and produce three other persons as compurgators, who are well known and of honest reputation, and approved of by the commissioners of that division where they dwell or inhabit, which shall in such open court likewise solemnly declare and aver, that they believe in their consciences, such person and persons so condemned, have not wherewith further to pay the said condemnation or condemnations; he or they shall be thence forthwith discharged from their said imprisonment; any law or custom to the contrary thereof heretofore in the said province notwithstanding. And upon such summons and default of appearance recorded as aforesaid, and such person and persons not appearing within forty days after, it shall and may be lawful for such court of judicature, to proceed to trial of twelve lawful men, to judgment against such defaulters, and issue forth execution against his or their estate, real and personal, to satisfy such penalty or penalties, to such debt and damages so recorded, as far as it shall or may extend.

CHAP. XIX.

THAT there shall be in every court, three justices or commissioners, who shall sit with the twelve men of the neighbourhood, with them to hear all causes, and assist the said twelve men of the neighbourhood in cases of law; and that they the said justices shall pronounce such judgment as they shall receive from and be directed by the said twelve men, in whom only the judgment resides, and not otherwise.

And in cases of their neglect and refusal, that then one of the twelve, by consent of the rest, pronounce their own judgment, as the justices should have done: And if any judgment shall be pass'd in any case, civil or criminal, by any other person or persons, or any other way than according to the agreement and appointment; it shall be held null and void; and such person or persons so presuming to give judgment, shall be severely fined, and upon complaint made to the general assembly, by them be declared incapable of any office or trust within this province.

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THAT in all matters and causes, civil and criminal, proof is to be made by the solemn and plain averment of at least two honest and reputable persons; and in case that any person or persons shall bear false witness, and bring in his or their evidence contrary to the truth of the matter, as shall be made plainly to appear: that then every such person or persons, shall in civil causes, suffer the penalty which would be due to the person or persons he or they bear witness against: And in case any witness or witnesses on the behalf of any person or persons indicted in a criminal cause, shall be found to have borne false witness, for fear, gain, malice, or favour, and thereby hinder the due execution of the law, and deprive the suffering person or persons of their due satisfaction; that then and in all other cases of false evidence, such person or persons shall be first severely fined: and next, that he or they shall forever be disabled from being admitted in evidence, or into any publick office, employment or service within this province.

CHAP. XXI.

THAT all and every person and persons whatsoever, who shall prosecute or prefer any indictment or information against others, for any personal injuries or matter criminal, or shall prosecute for any other criminal cause (treason, murder and felony only excepted) shall and may be master of his own process, and have full power to forgive and remit the person or persons offending against him or herself only, as well before as after judgment and condemnation, and pardon, and remit the sentence, fine and punishment of the person or persons offending, be it personal or other whatsoever.

CHAP. XXII.

THAT the trials of all causes, civil and criminal, shall be heard and decided by the verdict or judgment of twelve honest men of the neighbourhood, only to be summoned and presented by the sheriff of that division or propriety where the fact or trespass is committed; and that no person or persons shall be compelled to fee any attorney or counsellor to plead his cause, but that all persons have free liberty to plead his own cause if he please: And that no person or persons imprisoned upon any account whatsoever, within this province, shall be obliged to pay any fees to the officer or officers of the said prison either when committed or discharged.

CHAP. XXIII.

THAT in all publick courts of justice for trial of causes, civil or criminal, any person or persons, inhabitants of the said province, may freely come into and attend the said courts, and hear and be present at a hearing, such crisis as shall be there and or passed, that justice may not be done in a corner, nor in any covert manner; being intended and resolved by the help of the Lord, and by these our concessions and fundamentals, that all and every person and persons inhabiting in the said province, shall as far as in us lies, be free from oppression and slavery.

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CHAP. XXIV.

For the preventing of fraud, deceit, collusion in bargains, sales, trade and traffick, and the usual contests, quarrels, debates and utter ruin, which have attended the people in many nations, by costly, tedious, and vexatious law suits, and for a due settlement of estates.

IT is agreed, concluded and ordained, that there be kept a register at London, within the nation of England; and also another register within the province of New West-Jersey; and that all deeds, evidences, and conveyances of land, in the said province of New West-Jersey, that shall be executed in England, may also be there regi-tered; and once every year, the register of the said deeds and conveyances, so registered, shall be duly transmitted under the hands of the register, and three proprietors, unto the commissioners in New West-Jersey, to be enroled in the publick register of the said province: As also that the chief register, which the said proprietors have deputed or chosen, or shall depute or choose, failing, that the commissioners shall depute or choose, or which the general assembly of the said province, hereafter mentioned, shall depute or choose, shall keep exact entries and registers, in fair books, or rolls for that purpose to be provided, of all publick affairs; and therein shall record and enter all grants of land, from the proprietors to the planters; and all conveyances of land, house or houses, from man to man; as also all assignments, mortgages, bonds, and specialties whatsoever; and all leases for land, house or houses, made or to be made, from landlord to tenant, and from person to person; which conveyances, leases, assignments, mortgages, bonds and specialties, which shall be executed in West New-Jersey, shall be first acknowledged by the grantor, assignor and obligor, before the said commissioners, or two of them at least, or some two of their lawful deputies, for the time being; who shall under their hands, upon the back side of the said deed, lease, assignment, mortgage or specialty, attest the acknowledgment thereof as aforesaid; which shall be a warrant for the register to record the same; and such conveyance or specialty, if sealed, executed, acknowledged before three proprietors, in the nation of England or Ireland, and recorded or registered there, within three months after the date thereof; or if sealed, executed and acknowledged in the said province, or elsewhere out of England, and recorded or registered within six months after the date thereof, shall be good and effectual in law; and for passing or transferring of estates in lands, tenements, or hereditaments, shall be as effectual as if delivery and siezen were executed of the same: And all other conveyances, deeds, leases or specialties, not recorded as aforesaid, shall be of no force or effect. And the said register shall do all other thing or things the said proprietors by their instructions shall direct, or the commissioners or assembly shall ordain, for the good and welfare of the said province.

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That there may be a good understanding and friendly correspondence between the proprietors, freeholders, and inhabitants of the said province, and the Indian natives thereof.

IT is concluded and agreed, that if any of the Indian natives within the said province, shall or may do any wrong or injury to any of the proprietors, freeholders or inhabitants, in person, estate, or otherways howsoever; upon notice thereof, or complaint made to the commissioners, or any two of them, they are to give notice to the sachem, or other chief person or persons, that hath authority over the said Indian native or natives, that justice may be done, and satisfaction made to the person or persons offended, according to law and equity, and the nature and quality of the offence and injury done or committed.

And also in case any of the proprietors, freeholders, or inhabitants, shall any wise wrong or injure any of the Indian natives there, in person, estate, or otherwise; the commissioners are to take care, upon complaint to them made, or any one of them, either by the Indian natives, or others, that justice be done to the Indian natives, and plenary satisfaction be made them, according to the nature and quality of the offence and injury: And that in all trials wherein any of the said Indian natives are concerned, the trial to be by six of the neighbourhood, and six of the said Indian natives, to be indifferently and impartially chosen by order of the commissioners; and that the commissioners use their endeavour to perswade the natives to the like way of trial; when any of the natives do any ways wrong or injure the said proprietors, freeholders or inhabitants, that they choose six of the natives, and six of the freeholders or inhabitants, to judge of the wrong and injury done, and to proportion satisfaction accordingly.

CHAP. XXVI.

IT is agreed, when any lands is to be taken up for settlements of towns, or otherways, before it be surveyed, the commissioners or the major part of them, are to appoint some persons to go to the chief of the natives concerned in that land, so intended to be taken up, to acquaint the natives of their intentions, and to give the natives what present they shall agree upon, for their good will or consent; and take a grant of the same in writing, under their hands and seals, or some other publick way used in those parts of the world: Which grant is to be registered in the publick register, allowing also the natives (if they please) a copy thereof; and that no person or persons take up any land, but by order from the commissioners, for the time being.

CHAP. XXVII.

THAT no ship master or commander of any ship or vessel, shall receive into his ship or vessel, to carry unto any other nation, country or plantation, any person or persons whatsoever, without a certificate first had and obtained under the hands and seals

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seals of the commissioners, or any two of them, that the said person or persons are clear, and may be taken on board, signifying that the said person or persons names have been put up in three publick places of the province, appointed by the commissioners for that purpose, for the space of three weeks, giving notice of his or their intention to transport themselves.

CHAP. XXVIII.

That men may peaceably and quietly enjoy their estates.

IT is agreed, if any person or persons shall steal, rob, or take any goods or chattels, from or belonging to any person or persons whatsoever, he is to make restitution two fold, out of his or their estate; and for want of such estate, to be made work for his theft, for such time and times as the nature of the offence doth require, or until restitution be made double for the same; or as twelve men of the neighbourhood shall determine, being appointed by the commissioners, not extending either to life or limb.

If any person or persons, shall wilfully beat, hurt, wound, assault, or otherways abuse the person or persons of any man, woman or child, they are to be punished according to the nature of the offence; which is to be determined by twelve men of the neighbourhood, appointed by the commissioners.

CHAP. XXIX.

For securing estates of persons that die, and taking care of orphans.

First. **I**f any person or persons die, the commissioners are to take care, that the will of the deceased be duly performed, and security given by those that prove the will; and that all wills or testaments be registered in a publick register appointed for that purpose; and the person or persons that prove the same, to bring in one true inventory under their hands, of ail the estate of the deceased, and to have a warrant under the hand of three commissioners, and the publick seal of the province, intimating, that they have brought in an inventory of the estate, and given security; then, and not before, are they to dispose upon the estate.

Second. If any person die intestate, leaving a wife and children; the commissioners are to take security from the person that shall administer, to secure two parts of the estate for the children, and the third to the wife, if there be any; and if there be no child, then half to the next of kin, and the other to the wife.

Third. If the parents of children be dead, and no will made, then the commissioners are to appoint two or more persons to take the charge of the children and estate, and to bring an inventory of the estate to be registered; and that the said persons are to make good to the children, what part of the estate shall come unto their hands, and to give a true account of their receipts and disbursements, to be approved of by the commissioners.

Fourth. If parents die, leaving child or children, and no estate, or not sufficient to maintain and bring up the said child or children, in that case the commissioners are to appoint persons to take care for
the

the child or children, to bring them up in such manner as the commissioners shall appoint, and the charges thereof to be borne by the publick stock of the province; and if none be established, then by a tax to be levied by twelve men of the neighbourhood, with the consent of the commissioners, or the main part of them.

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CHAP. XXX.

In cases when any person or persons kill or destroy themselves, or be killed by any other thing.

IT is agreed, if any man or woman shall wilfully put hand, and kill him or herself, the estate of such person or persons is not to be forfeited, but the kindred, heirs, or such other as of right the estate belongs to, may enjoy the same; or if any beast or ship, boat, or other thing, should occasion the death of any person or persons, nevertheless the said beast, ship, boat, or other thing, is not to be forfeited: but those to whom the ~~being~~ may enjoy the same. Provided always, that the said beast did not wilfully kill the said person, or hath been known to attempt, or addicted to mischief, or hath been found to hurt or kill any person; then the said beast is to be killed.

CHAP. XXXI.

ALL such person or persons as shall be upon trial found guilty of murder or treason, the sentence and way of execution thereof is left to the general assembly to determine, as they in the wisdom of the lord shall judge meet and expedient.

The general assembly and their power.

CHAP. XXXII.

THAT so soon as divisions or tribes, or other such like distinctions are made, that then the inhabitants, freeholders, and proprietors resident in the said province, or several respective tribes or divisions, or distinctions aforesaid, do yearly and every year, meet on the first day of October, or the eighth month, and choose one proprietor or freeholder for each respective propriety in the said province (the said province being to be divided into one hundred proprieties) to be deputies, trustees, or representatives, for the benefit, service, and behoof of the people of the said province; which body of deputies, trustees or representatives, consisting of one hundred persons chosen as aforesaid, shall be the general free and supreme assembly of the said province for the year ensuing, and no longer: And in case any member of the said assembly, during the said year, shall decease, or otherwise be rendered incapable of that service; that then the inhabitants of the said proprieties, shall elect a new member, to serve in his room, for the remainder of the said year.

CHAP. XXXIII.

And to the end the representative members of the yearly assembly to be chosen, may be regularly and impartially elected.

THAT no person or persons who shall give, bestow or promise, directly or indirectly, to the said parties electing, any meat drink, money or money's worth, for procurement of their choice
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and consent, shall be capable of being elected a member of the said assembly : And if any person or persons, shall be at any time corruptly elected, and sufficient proof thereof made to the said free assembly, such person or persons so electing or elected, shall be reckoned incapable to choose or sit in the said assembly, or execute any other publick office of trust within the said province, for the space of seven years thence next ensuing : And also, that all such elections as aforesaid, be not determined by the common and confused way of cries and voices : but by putting balls into balloting boxes, to be provided for that purpose, for the prevention of all partiality, and whereby every man may freely choose according to his own judgment, and honest intention.

CHAP. XXXIV.

TO appoint their own times of meeting, and to adjourn their sessions from time to time (within the said year) to such times and places as they shall think fit and convenient, as also to ascertain the number of their quorum ; provided that such numbers be not less than one half of the whole, in whom (or more) shall be the full power of the general assembly ; and that the votes of two thirds of the said quorum, or more of them, if assembled together as aforesaid, shall be determinative in all cases whatsoever coming in question before them, consonant and conformable to these concessions and fundamentals.

CHAP. XXXV.

THAT the said proprietors and freeholders, and their choice of persons, to serve them in the general and free assemblies of the province, give their respective deputies or trustees, their instructions at large, to represent their grievances, or for the improvement of the province ; and that the persons chosen, do by indentures under hand and seal, covenant and oblige themselves to act nothing in that capacity, but what shall tend to the fit service and behoof of those that send and employ them ; and that in case of failure of trust, or breach of covenant, that they be questioned upon complaint made, in that or the next assembly, by any of their respective electors.

And that each member of the assembly, chosen as aforesaid, be allowed one shilling per day, during the time of the sitting of the general assembly, that thereby he may be known to be the servant of the people : Which allowance of one shilling per day, is to be paid him by the inhabitants of the propriety or division that shall elect him.

CHAP. XXXVI.

THAT in every general free assembly, every respective member hath liberty of speech ; that no man be interrupted when speaking ; that all questions be stated with deliberation, and liberty for amendments ; that it be put by the chairman, by them to be chosen, and determined by plurality of votes ; Also that every member has power of entering his protest, and reasons of protestations. And that if any member of such assembly shall require to have the persons names registered, according to their yeas and no's, that it be accordingly done : And that after debates are past, and the question agreed

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agreed upon, the doors of the house to be set open, and the people have liberty to come in to hear, and be witnesses of the votes, and the inclinations of the persons voting.

CHAP. XXXVII.

AND that the said assembly do elect, constitute and appoint ten honest and able men, to be commissioners of estate, for managing and carrying on the affairs of the said province, according to the law therein established, during the adjournments and dissolutions of the said general free assembly, for the conservation and tranquillity of the same.

CHAP. XXXVIII.

THAT it shall be lawful for any person or persons, during the session of any general free assembly in that province, to address, remonstrate or declare, any suffering, danger or grievance, or to propose, tender or request, any privilege, profit or advantage to the said province, they not exceeding the number of one hundred persons.

CHAP. XXXIX.

TO enact and make all such laws, acts, and constitutions, as shall be necessary for the well government of the said province, (and them to repeal) provided, that the same be as near as may be, conveniently agreeable to the primitive, antient and fundamental laws of the nation of England. Provided also, that they be not against any of these our concessions or fundamentals, before or hereafter mentioned.

CHAP. XL.

BY act as aforesaid, to constitute all courts, together with the limits, powers and jurisdictions of the same (consonant to these concessions) as also the several judges, officers and number of officers belonging to each court, to continue such time as they shall see meet, not exceeding one year, or two at the most, with their respective salaries, fees and perquisites, and their appellations; with the penalties that shall be inflicted upon them for the breach of their several and respective duties and trusts: and that no person or persons whatsoever, inhabitants of the said province, shall sustain or bear two offices in the said province, at one and the same time.

CHAP. XLI.

THAT all the justices and constables be chosen by the people; and all commissioners of the publick seals, treasuries and chief-justices, ambassadors and collectors, be chosen by the general free assembly.

CHAP. XLII.

THAT the commissioners of the treasury of the said province, bring in their account at the end of their year, unto the general free assembly, there to be seen and adjusted; and that every respective member carry a copy thereof unto that hundred or propriety he serves, for to be registered in the capital publick court of that propriety.

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CHAPTER XLIII.

BY act as aforesaid, to lay equal taxes and assessments, and equally to raise money or goods, upon all lands or persons within the several proprieties, precincts, hundreds, tribes, or whatsoever other divisions shall hereafter be made and established in the said province, as oft as necessity shall require; and in such manner as to them shall seem most equal and easy for the inhabitants; in order to the better supporting of the publick charge of the said government, as also for the publick benefit and advantage of the said people and province.

CHAPTER XLIV.

BY act as aforesaid, to sub-divide the said province into hundreds, proprieties, or such other divisions and distinctions, as they shall think fit; and the said divisions to distinguish by such names as shall be thought good; as also within the said province to direct and appoint places for such and so many towns, cities, ports, harbours, creeks, and other places for the convenient lading and unlading of goods and merchandize, out of the ships, boats, and other vessels, as shall be expedient; with such jurisdictions, privileges and franchises to such cities, ports, harbours, creeks or other places, as they shall judge most conducing to the general good of the said province and people thereof; and to erect, raise and build within the said province, or any part thereof, such and so many market towns and villages; and also appoint such and so many markets and fairs, and in such place and places, as they shall see meet, from time to time, as the grant made and assigned unto the said proprietors will permit and admit.

In testimony and witness of our consent to and affirmation of these present laws, concessions and agreements: We, the proprietors, freeholders, and inhabitants of the said province of West New Jersey, whose names are under written, have to the same voluntarily and freely set our hands, dated this third day of the month commonly called March, in the year of our lord one thousand six hundred seventy six.

Gawen Lawrie, Wm. Penn, Wm. Emley, Josh. Wright, Nicho. Lucas, Wm. Haig, Wm. Peachee, Rich. Matthews, John Harris, Francis Collins, Wm. Kent, Benj. Scot, Tho. Lambert, Tho. Hooton, Henry Stacy, Edw. Byllinge, Rich. Smith, Edw. Nelthorp, John Penford, Dan. Wills, Thomas Olive, Tho. Rudyard, William Biddle, Robert Stacy, John Farrington, Wm. Roydon, Rich. Mew, Percival Towle, Mahlon Stacy, Tho. Budd, Sam. Jennings, John Lambert, Will. Heulings, George Deacon, John Thomson, Edw. Bradway, Rich. Guy, James Nevill, Wm. Cantwell, Fospe Ontstout, Machgijel Baron, Casper Hernian, Turrese Pseese, Robert Kemble, John Corneliesse, Garrat Van Jumne, Wm. Gill Johnson, Mich. Lackerouse, Markus Albus, Evert Aldricks, Hendrick Everson, Jilles Tomesen, Claas Jansen, Paul Doequet, Aert Jansen, John Surige, Tho. Smith, James Pearce, Edw. Webb, John Pledger, Rich. Wilkison, Christo. Sanders, Renear Van Hurst, William Johnson, Charles Bagley, Sam. Wade, Tho. Woodrose, John Smith, Tho. Peerce, Will. Warner, Joseph Ware, Isaac Smart, And.

And. Thomson, Thomas Kent, Henry Jenings, Rich. Wortsaw, Christopher White, John Maddocks, John Forrest, James Vickory, William Ramsey, Rich. Robinson, Mark Reeve, Thomas Watson, Sam. Nicholson, Dan. Smith, Rich. Daniel, Will. Penton, Will. Daniel, Robert Zane, Walter Peterson, Anthony Page, Andrew Bartleson, Woolley Woolfson, Anthony Dixon, John Derme, Tho. Benson, John Prin, Rich. Brifflington, Sam. Lovett, Henry Stubbens, Will. Willis, George Haselwood, Roger Pedrick, Will. Hughes, Abra. Van Highest, Hipolitas Lefever, Will. Wilkinson, Andrew Saenneck, Lause Cornefions, Sam. Hodge, Will. Massler, John Grubb, John Worlidge, Edw. Meyer, Tho. Barton, Robt. Powel, Tho. Harding, Matthew Allen, Bernard Devenish, Thomas Sokes, Thomas French, Isaac Marriot, John Butcher, George Hutcheson, Tho. Gardiner, Tho. Eves, John Borton, John Paine, Fleazer Fenton, Samuel Oldale, Will. Black, Anthony Woodhouse, Dan. Leeds, John Pancoast, Francis Belwicke, Will. Luswall, John Snowdon, Rich. Fenemore, Gruna Jacobson, Tho. Scholey, Tho. Wright, Godfrey Hancock, John Petty, Abraham Heulings, John Newbould, John White, John Roberts, John Wood, John Gosling, Tho. Revell.

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NUMBER III.

A brief account of the province of East-Jersey, in America, published by the present proprietors, for information of all such persons who are or may be inclined to settle themselves, families and servants in that country.

TO say anything in the praise, or much in the description of a country so well known, would seem needless: The late accounts and descriptions of the adjacent countries, West-Jersey and Pennsylvania, which are much of the same nature, &c. might suffice; but considering that in foreign colonies, yea, here in England, every particular county has some excellency in soil, product or situation, that may affect and delight many persons, beyond the places adjacent: We may, for the satisfaction of such, give some brief account thereof.

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First, This province or colony lies between thirty-nine and forty-one degrees of latitude, being about twelve degrees more to the south than the city of London; and is bounded south east by the main sea; east by that vast navigable stream, called Hudson's river, which divides this from the province of New-York; west by a line of division, which separates this province from West-Jersey; and north upon the main land, and extends itself in length on the sea coast, and along Hudson's river, one hundred English miles, and upwards.

Second, The conveniency of situation, temperature of air, and fertility of soil, is such, that there's no less than seven considerable towns,

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towns, viz. Shrewsbury, Middletown, Bergen, Newark, Elizabeth-Town, Woodbridge, and Piscataway; which are well inhabited by a sober and industrious people, who have necessary provisions for themselves and families, and for the comfortable entertainment of strangers and travellers; and this colony is experimentally found generally to agree with English constitutions.

Third. For navigation, it hath these advantages, not only to be situate along the navigable part of Hudson's river, but lies also fifty miles on the main sea; and near the midst of this province, is that noted bay for ships, within Sandy-Hook, very well known not to be inferior to any harbour in America, where ships not only harbour in greatest storms, but there ride safe with all winds, and sail in and out thence as well in winter as summer.

Fourth. For fishery, the sea banks there are very well stored with variety of fish; for not only such as are profitable for transportation, but such also as are fit for food there, as whales, cod-fish, cole and hake fish, large mackrell, and also many other sorts of flat and small fish. The bay also, and Hudson's river, are plentifully stored with sturgeon, great bass, and other scale fish, eels and shell-fish, as oysters, &c. in great plenty, and easy to take.

Fifth. This country is also plentifully supplied with lovely springs, rivulets, inland rivers, and creeks, which fall into the sea and Hudson's river; in which is also much plenty and variety of fresh fish and water fowl.

Sixth. There is great plenty of oak timber, fit for shipping, and masts for ships, and other variety of wood, like the adjacent colonies, as chesnut, walnut, poplar, cedar, ash, fir, &c. fit for building within the country.

Seventh. The land or soil (as in other places) varies in goodness and richness; but generally fertile, and with much smaller labour than in England: It produceth plentiful crops of all sorts of English grain, besides Indian corn, which the English planters find not only to be of vast increase, but very wholesome and good in its use; it also produceth good flax and hemp, which they now spin and manufacture into linnen cloth. There's sufficient meadow and marsh to their uplands; and the very barrens there as they are called, are not like some in England; but produce grass fit for grazing cattle in summer season.

Eighth. The country is well stored with wild deer, conies and wild fowl of several sorts, as turkeys, pigeons, partridges, plover, quails, wild swans, geese, ducks, &c. in great plenty; It produceth variety of good and delicious fruits, as grapes, plumbs, mulberries and also apricots, peaches, pears, apples, quinces, water melons, &c. which are here in England planted in orchards and gardens; these, as also many other fruits, which come not to perfection in England, are the more natural product of this country.

Ninth. There is also already great store of horses, cows, hogs, and some sheep, which may be bought at reasonable prices, with English monies or English commodities, or man's labour, where money and goods are wanting.

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Tenth. What sort of mines or minerals are in the bowels of the earth, after time must produce, the inhabitants not having yet employed themselves in search thereof; but there is already a smelting furnace and forge set up in this colony, where is made good iron, which is of great benefit to the country.

Eleventh. It is exceedingly well furnished with safe and convenient harbours for shipping, which is of great advantage to that country, and affords already for exportation, great plenty of horses, and also beef, pork, pipe staves, boards, bread, flower, wheat, barley, rye, Indian corn, butter and cheese, which they export for Barbadoes, Jamaica, Nevis, and other adjacent islands, as also to Portugal, Spain, the Canaries, &c. Their whale oil and whale fins, beaver, mink, raccoon and martin skins, (which this country produceth) they transport for England.

Twelfth. The situation and soil of this country may invite many who are inclined to transport themselves into those parts of America: For,

1. It being considerably peopled, and situate on the sea coast, with convenient harbours, and so near adjacent to the province of New-York and Long-Island, being also well-peopled colonies, may be proper for merchants, trade-men, and navigators.

2. Its likewise proper for such who are inclined to fishery, the whole coast and very harbours mouths being fit for it; which has been no small rise to the New-England people, and may be here carried on also with great advantage.

3. For its soil, its proper for all industrious husbandmen, and such, who by hard labour here, on rack rents, are scarce able to maintain themselves, much less to raise any estate for their children, may, with God's blessing on their labours, there live comfortably; and provide well for their families.

4. For carpenters, bricklayers, masons, smiths, mill-wrights, and wheel-wrights bakers, tanners, taylors, weavers, shoe-makers, hatters, and all or most handicrafts, where their labour is much more valued than in these parts, and provisions much cheaper.

5. And chiefly for such of the above-mentioned, or any other who upon solid grounds and weighty considerations, are inclined in their minds to go into those parts; without which their going there cannot be comfortable, or answer their expectation.

Thirteen. The Indian natives in this country are but few, comparative to the neighbouring colonies; and those that are there, are so far from being formidable or injurious to the planters and inhabitants, that they are really serviceable and advantageous to the English, not only in hunting and taking the deer, and other wild creatures, and catching of fish and fowl fit for food, in their seasons, but in the killing and destroying of bears, wolves, foxes, and other vermine and peltry, whose skins and furs they bring the English, and sell at less price than the value of time an English man must spend to take them.

Fourteen. As for the constitutions of the country, they were made anno dom. 1664. and in the time of John lord Berkely, and sir George Carteret, the late proprietors thereof; in which such provision

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provision was made for liberty in matters of religion, and property in their estates; that under the terms thereof, that colony has been considerably peopled, and that much from the adjacent countries, where they have not only for many years enjoyed their estates, according to the concessions: but also an uninterrupted exercise of their particular persuasions in matters of religion: And we the present proprietors, do determine, so soon as any persons here in England, or elsewhere, are willing to be engaged with us, we shall be ready and desirous to make such further additions and supplements to the said constitutions, as shall be thought fit, for the encouragement of all planters and adventurers, and for the further settling the said colony with a sober and industrious people.

Fifteen, Having with all possible brevity, given an account of the country, we shall say something as to the disposition of lands there.

1. Our purpose is, if the lord permit, with all convenient expedition, to erect and build one principal town; which by reason of situation must in all probability be the most considerable for merchandize, trade and fishery in those parts; it is designed to be placed upon a neck or point of rich land, called Ambo point, lying on Rariton river, and pointing to Sandy-Hook bay, and near adjacent to the place where ships in that great harbour commonly ride at anchor; a scheme of which is already drawn, and those who shall desire to be satisfied therewith may treat for a share thereof.

2. As for encouragement of servants, &c. we allow the same privileges as was provided in the concessions at first.

3. Such who are desirous to purchase any land in this province, free from all charge, and to pay down their purchase monies here, for any quantities of acres; or that desire to take up lands there, upon any small quit rents to be reserved; shall have grants to them and their heirs, on moderate and reasonable terms.

4. Those who are desirous to transport themselves into those parts before the purchase, if any thing there present to their satisfaction, we doubt not but the terms of purchase will be so moderate, equal and encouraging, that may engage them to settle in that colony.

Our purpose being with all possible expedition to dispatch persons thither, with whom they may treat; and who shall have our full power in the premises.

As for passage to this province, ships are going hence the whole year about, as well in winter as summer, Sandy-Hook bay being never frozen: The usual price is five pounds per head, as well masters or servants, who are above ten years of age; all under ten years, and not children at the breast, pay fifty shillings; sucking children pay nothing; carriage of goods is usually forty shillings per ton, and sometimes less, as we can agree; the cheapest and chiefest time of the year for passage, is from midsummer till the latter end of September, when many Virginia and Maryland ships are going out of England into those parts; and such who take then their voyage, arrive usually in good time to plant corn sufficient for next summer.

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The goods to be carried there, are, first, for people's own use, all sorts of apparel and household stuff, and also utensils for husbandry and building; secondly, linnen and woollen cloths and stuffs, fitting for apparel, &c. which are fit for merchandize and truck there in the country, and that to good advantage for the importer, of which further account will be given to the enquirer.

Lastly, Although this country, by reason of its being already considerably inhabited, may afford many conveniencies to strangers, of which unpeopled countries are destitute, as lodging, victualing, &c. yet all persons inclining unto those parts, must know, that in their settlement there, they will find their exercises; they must have their winter as well as summer; they must labour before they reap, and, till their plantations be cleared (in summer time) they must expect (as in all those countries) the musketos, flies, gnats, and such like, may, in hot and fair weather, give them some disturbance, where people provide not against them; which, as land is cleared, are less troublesome.

And all such persons who desire to be concerned, may repair to Thomas Rudyard or Benjamin Clark, in George Yard, in Lombard-street; where they may view the constitutions, the scheme of the intended town, the map of the country, and treat on terms of purchase. William Penn, Robert West, Thomas Rudyard, Samuel Gronin, Thomas Hart, Richard Mew, Thomas Willcocks, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, are the present proprietors of East-Jersey; but their purpose is to take in twelve persons more, to make up the number of proprietors twenty-four.

Proposals by the proprietors of East-Jersey, in America, for the building of a town on Ambo Point, and for the disposition of lands in that province; and also for encouragement of adventurers and labourers that shall transport themselves thither out of England, Scotland, and Ireland.

FORASMUCH as Ambo Point, is a sweet, wholesome, and delightful place, proper for trade, by reason of its commodious situation, upon a safe harbour, being likewise accommodated with a navigable river, and fresh water, and hath by many persons of the greatest experience and best judgment, been approved for the goodness of the air, soil and situation;

We, the proprietors, purpose by the help of Almighty God, with all convenient speed, to build a convenient town, for merchandize, trade and fishery on Ambo Point; and because persons that hath a desire to plant there, may not be disappointed for want of proposals, we, the proprietors, offer these following:

First, We intend to divide fifteen hundred acres of land upon Ambo Point, into one hundred and fifty lots; which lots shall consist of ten acres the lot; one hundred of the lots we are willing to sell here, and fifty we reserve for such as are in America, and have long desired to settle there,

Secondly. The price of each lot will be fifteen pounds sterling, to such who purchase before the 25th of December, 1682; and to such

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such who purchase afterwards, before the 25th of December, 1683, twenty pounds sterling.

Thirdly, Every lot is to be as equally divided as the goodness of the place doth require, and the situation can admit.

Fourthly, The most convenient spot of ground for a town shall be divided into one hundred and fifty equal shares, and set out into streets, according to rules of art; and no person shall be preferred before another in choice, whether purchaser or proprietor.

Fifthly, We reserve four acres for a market place, town-house, &c. and three acres for publick wharfage.

Sixthly, Each purchaser is obliged to build a dwelling house in the place designed for the town, and to clear three acres of up land, in three years, or else the proprietors to be reinstated in such lots wherein default is made, repaying the purchase money.

Seventhly, We the proprietors do within a year, hope, by God's assistance, to build for each of us, one house upon Ambo point; which we intend shall stand in an orderly manner, according to the best and most convenient model.

And in pursuance of the design of the propositions abovesaid.

Eighthly, And for the encouragement of carpenters, joiners, brick and tile makers, bricklayers, masons, sawyers, and labourers of all sorts, who are willing to go and employ themselves and servants, in helping to clear ground, and build houses upon the general account of and for the proprietors,

The said proprietors will engage to find them work, and current pay for the same, in money or clothes, and provision, of which there is plenty (as beef, pork, corn, &c.) according to the market price at New-York, during the space of one year at least, next after the 25th of December, 1682; in which time (through God's blessing and their industry) they may have got wherewith to buy cows, horses, hogs, and other goods, to stock that land, which they in the mean time may take up, according to the concessions; neither shall such persons pay rent for their said land, so long as they are employed in the proprietors work; and their wages shall at all times be so much as other such artificers and labourers, in the said province usually have; nor shall they be obliged to work for the proprietors longer than they find encouragement so to do.

Ninthly. And for the more ready and certain employing those workmen and labourers that shall transport themselves to East-Jersey, this is to let all labourers and persons that shall transport themselves know, they must upon their arrival upon that place, repair to the register of the abovesaid province, and enter themselves according to their respective qualities and designs, and thereupon they shall be entered into the service and pay of the proprietors.

For disposition of land in East Jersey.

The governor of East-Jersey, by and with the advice of his council, is to direct, that all lands to be set and laid out for counties, tribes, cities, or parishes, according to the general concessions of the said province, be bounded and set out in manner following, viz. That all such lands be divided into seven equal lots or parts; one of which seven parts is to be first set out by lot for the use of the proprietors;

tors; and the other six parts to be taken up according to the following concessions.

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First. That the planting of the said province may be the more effectually promoted, We do hereby grant unto all persons who shall transport themselves, their wives or children, unto East-Jersey, and settle there according to the following concessions, by the twenty fifth of December 1684, twenty-five acres of land for each head, whether wife, child or servant, which servant shall be bound to serve the term of three years at least within the said province; and for every such master of a family, fifty acres; the said persons so imported are to be registered in the secretary's book of entries to be kept for that purpose; and the importer to pay to the secretary for fees of attending that service, and entring them, twelve pence each head; and every servant, male or female, who shall be so imported and registered by the 25th of December, 1684, shall, at the expiration of their time, have liberty to take up the quantity of thirty acres for their own uses; and all the aforesaid importers, and persons imported, who are hereby allowed to take up land, shall have and enjoy the same, under the terms and concessions following:

Secondly. Forasmuch as this province is already considerably peopled and improved (there being seven towns at least already settled upon it by English people) and that no person is constrained by our concessions, to take up and pay for land which is barren and unprofitable; nor can it be reasonably supposed, that people should in this province, be now exposed to the like hazards and difficulties that others must look to meet with in those plantations that are less inhabited and more remote, and for situation by sea and land, not so commodiously placed for trade: Therefore we think it very reasonable and moderate, that all and every person and persons, shall have his and their respective quantities of lands set out at two pence an acre, yearly rent, to be paid into our receivers office, either in money sterling, or in such commodities as the growth or trade of the province affords at the merchants price there; but whosoever is willing to buy off his yearly rent, and become a freeholder, may so do, paying after the rate of twelve years purchase, which comes to fifty shillings for a lot of twenty-five acres, and so paying after the same rate, for a greater or lesser quantity.

Thirdly, And forasmuch as it will be most commodious for planters to live together, whereby they may be a meet help to each other; It is ordered, that all the purchasers and takers up of land, shall sit down by some village or township already laid out, or to be laid out hereafter, in the said province; and having chosen the village or township, which shall be most convenient and profitable for their business, the surveyor general shall set forth to the said persons, such quantity of lands, to them granted out of the aforesaid six parts, which are not then taken up; they paying to the said surveyor general, the usual rate of surveying in the said province; and if any person going or sending over, is willing to have a greater parcel of land than twenty-five acres, he may purchase, but not more than one hundred acres; he paying down, at the sealing of his

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his grant, for the same, after the rate of ten pounds by the hundred acres; and so more or less for a greater or lesser quantity.

Fourthly, And if any person is willing to buy land, and yet for the present is not disposed to plant there; he may so do, paying down here for his grant to the proprietors, according to the rate aforesaid. Provided, that all those persons, who by these concessions shall take up land, be enjoined to build one dwelling house, on some part of their land, within the space of seven years, next after the 25th of December, 1682; and in case of default, one half of their land to return back to the proprietors.

NUMBER IV.

*Governor Cox's narrative relating to the division line,
directed to the council of proprietors of West-Jersey.*

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I Was desired to give a meeting to the proprietors of East-Jersey, where were present, governor Berkeley, lord Campbell, lord Melbourn, secretary of state for Scotland, mr. Penn, mr. Ward, and six or eight more; they presented me the original of an agreement between the commissioners of both Jerseys, in order to run the partition point; and withal a map; whereby it is obvious at the first glance, that above a third part of that land, which was ever accounted to belong to West-Jersey, is allotted to, and comprehended within the limits of East-Jersey: They desired my concurrence to this agreement, as being first in its own nature a most just and equal division or quantity: Secondly, agreed on by commissioners, on both sides: Thirdly, according to mr. Byllinge's instructions, who had empowered his commissioners to make an equal division: I answered in behalf of your colony and of myself, that first, the division was very unjust in its own nature; and secondly, that if it were otherwise; yet I did apprehend, they, who made the agreement, were not legally or sufficiently empowered.

And first, as to the injustice of the division; I declared, I thought they ought to have regard unto the letter of the agreement between sir George Carteret and mr. Edward Byllinge; the line was to run from Little Egg-Harbour, unto the most northerly branch of Delaware river, in forty one degrees forty minutes: They denied there was any such branch; I shewed them in their own map, made by mr. George Keith, a river running into Delaware, whose head is near another of Esopus river; they urging that to be a most unconscionable division, and that it would cut off two thirds of their country; that in the map printed from that original, whereon the partition line was drawn, they had a far greater scope of land; I offered them to calculate the proportion of land in both Jerseys, from the map or chart; and upon the division, they should have a like proportion unto what was therein allotted them; which would have been about the third of the whole: They approved not thereof: I proffered lastly, to comply with the second line, which was proposed by our arbitrators, whereby we gave them a large tract of land, where-
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unto they had no right; which sheweth, that we were both willing to come to an agreement, in our demands, moderate, favourable and friendly, in our concessions: I added, that the lands actually in their possession, or sold unto others before the line was agreed to be run, should be annexed unto, and for the future, accounted part of their country; which, according to their own concession, were some of the most rich, healthful, and pleasant tracts of land in either Jerseys: Neither would this please; they insisted upon the agreement, and would either have it performed or sue the bond: I was somewhat perplex'd how to preserve our own right, and secure our friends from harm; but being willing, as I have been, to deny myself any private benefit for publick utility, when they pressed they had either power or not: If power, then all were obliged; if not, they in particular: I answered, they might apprehend themselves to have power; but really had it not; as appears by the protestations of the body of the proprietors and inhabitants of West-Jersey, wherewith the lord Campbell had acquainted me: And they themselves are likewise sensible, that they proceeded not only beyond but contrary to their commission; and as for the bonds, they could not be sued, so long as they did upon no overt-act oppose such agreement; and the very utmost they could require from them, was so much land as came to their share upon a new division, according to the deed of partition, whereunto they had signed. I then proceeded to confute their pretensions from an equal division, shewing there was not the least foot steps for such a claim in the deed of partition: I desired them to consider, that West-Jersey proprietors gave above eighteen thousand pounds for the land, which cost not East-Jersey proprietors much above four thousand pounds, and for many years last past, proprietries of West-Jersey have been valued very little below those of East-Jersey: which was merely upon the account of the opinion all persons; had the proprietors of East-Jersey, themselves not excepted, that our part exceeded theirs at least two-thirds in quantity of land: I was my self almost two years, owner of an intire propriety in East-Jersey, and continually heard their complaints; nor did I ever hear any mention of a right to an equal division, as to quantity of land, only valuing themselves upon the goodness of their land, and conveniency of harbours: which were open all the winter. And as for the pretension, that mr. Byllinge gave commission for an equal division; we could produce hundreds of witnesses, that his great argument unto all purchasers, was, that West Jersey was three times as large as East, and equal I am a witness, that he intended only equitable according to the agreement or deed of partition; which diverse can testify. - But I added withal, that if he had given a commission, I thought it not valid, without the consent and concurrence of the major part of the proprietors; before he sold the land, he might have disposed it at pleasure, and receded from his own rights; but having sold the land, the proprietors were to take care, they had their due, according to the deed of partition; upon which terms they bought: For mr. Byllinge, when he granted the pretended commission of division, was possessed only of one single propriety, as he confessed unto diverse, having disposed
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of seventy, by absolute sale, and mortgaged the other twenty nine for eight thousand pounds; and tho' I was not willing to suspect any thing of mr. Byllinge; yet let any consider whether it was fit, that an indigent person, when he had sold his land, should have it in his power to give away the moiety, under pretence of a power to adjust the division, for which he might receive a great sum of money, if favourably determined on the behalf of those with whom we contended: And therefore, no division can be accounted just and legal, which hath not the consent and concurrence of the majority of the proprietors: I declared unto them, we had thereupon appointed a general meeting, and we should acquaint them with the result of our consultation, if they complied with our proposal; and that it be likewise assented to by the majority of the proprietors in West-Jersey, it should become a final decision, and be entered in both our records, as up n such occasion is usual; on the contrary, if they would not hearken to a fair and just proposal, wherein we shall recede considerably from our right; we will declare ourselves free, and maintain the line according to the deed, until they can, either by course at common law, or by an appeal unto his majesty, make an alteration: And the owners of about forty proprietries in and about the city, do request all those who are present in West-Jersey, to lay claim unto, and account as your own just right, all that land from Egg-Harbour, to the north branch of Delaware, according to the letter of the agreement in the deed of partition, until the proprietors of East-Jersey have totally abandoned all pretensions unto this last, subtilly contrived, pretended agreement; for if they have recourse to the common law, I am very confident, above two parts of three, will become undoubtedly ours. If they appeal to the king; we have not only confidence in his common justice, and unbiased respect unto all his subjects, but a particular hope, that his majesty will remember the time and manner, and other circumstances of the division; how sir George Carteret assured his highness (he being duke of York) that he chose the least part, because near unto his government of New-York. It is likewise well known, and can be attested by diverse, that sir George Carteret did value his share, tho' by him acknowledged not half so large as the other; yet abundantly preferable, upon the account of its being well settled with a sober and industrious people, which would invite others to come there, Whereas the other was a desert, and so little esteemed for some time, that land in East-Jersey sold ordinarily eight, and often ten times the value which was given for land in West-Jersey: It had the advantage of seven fair towns, inhabited by 3500 people; as appears by a list I have: They well accommodated with corn and stock, able to supply at easy rates, new-comers with corn and cattle; which cost the first settlers of West-Jersey a third more: Besides the neighbourhood of New-York, a place of great trade, where they could be readily supplied with whatsoever cloaths, utensils, &c. they wanted.

I flattered myself with hopes, that Mr. Penn, a person of great ability and interest among the proprietors of New Jersey, and who hath often professed a great kindness for the inhabitants of West-Jersey, would have afforded me some assistance, and moderated at
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the least the violence of the current, upon the pretended agreement; but he hath frustrated my expectation, by complying with them in all things, and signed with the rest; which I confess was extremely surprizing to me: and will, I doubt not, appear a little strange to divers amongst you: I could not imagine any considerate indifferent person could approve so unreasonable and surreptitious an award: But I perceive, that which most influenced him, is a persuasion that the division ought to be equal in quantity, and is confirmed therein by a passage in Mr. Byllinge's commission for settling bounds; wherein he uses the word equal; and is persuaded, being herein influenced by Mr. Keith's false map, of which I have sent you a copy, that Mr. Reid's proposal is very fair and an exact equal division of the country. I do not herein charge Mr. Penn with any fault, who I believe acts according to his convictions: but I only acquaint you herewith, that you may understand your own misfortune; for had not Mr. Penn embraced our interest, we should probably have made a more speedy and advantageous agreement; the proprietors being mightily fortified by his countenance and authority, to adhere to the late award, only as a great argument of their moderation and justice: They have made an order signed likewise by Mr. Penn, that if upon a new survey, it appears this agreement give them the greater moiety, they will refund so much as may reduce it to an exact quantity. It was a great defect on your part, to agree upon a division either with New-York or East-Jersey, until you had a most exact survey of the country; they of New York and East Jersey, have in this respect, exercised the highest prudence, knowing the whole country to a little, and thereby have both overreached you. I have seen their draughts, than which nothing can be more exact; but they dare not yet print them, till they have adjusted the affair with you, lest their own maps should rise up witness against them: And considering how curiously and diversely Rariton south, and Passaick river are branched, I judge their country, quantity for quantity, double the value of ours: I never yet saw any maps of West-Jersey, in the least comparable to these of East-Jersey; I have sent you a pattern of one part of their country, tho' they have a draught of every parcel, and ten times more large and particular than this. I do therefore make it my serious advice, and earnest request, that you will, with all speed, cause a very particular map to be made of your country: I do not mean of every propriety or plantation, but a true account of the length, with a note, if any part of the country be extraordinary barren; where those barrens are, and of what extent: I had almost forgot to tell you a pretty policy of Mr Keith and John Reid, I suppose by direction from some of their superiors: The draughts they produce for division, are not in the least according to truth, nor according to those they sent their proprietors, whereof I having been two years of East Jersey, have most certain knowledge, and exact copies of their own draughts, to compare them; but in those maps they produce for division, they make our country towards the sea and bay, near double the bigness it really bears, and their own almost half as little as really it is; thence arguing for the reasonableness of addition unto the true line; and indeed

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indeed that which they pretend an equal division, to say nothing of its exceeding ours, generally speaking in goodness; it is above a fifth part greater in quantity, so that having received upon all hands, so unfair dealings, I declare it unto you all, as my opinion and advice; and if I have any authority amongst you, I intreat and require, that you treat not with them any further about any accommodation, nor own that pretended to be already made; but stand by the letter of the agreement between sir George Carteret and Mr. Byllinge, viz. That the line be run directly from the east side of Little Egg-Harbour, unto the most northerly branch of Delaware river, in forty one degrees and forty minutes: And I question not, but we shall bring them to more reasonable terms than any they have hitherto proposed; at least no pains nor cost shall be wanting on my part; and I have the concurrence of all our proprietors, Mr. Penn excepted, whom I could any ways meet with or consult: And whereas I am very credibly informed that the proprietors of East-Jersey, have ordered lands to be taken up in divers places near the new pretended line of partition: that having possession, upon a review they may have a more spacious claim; if any attempt of this nature be made, I do not only protest against it, but request and desire that all the inhabitants of West-Jersey do the same; and at the same time, the surveyor of West-Jersey, or his deputy, do immediately take up in my name, all that land which is westerly of the Mill-Stone and Rariton river, which was not actually in their possession of East-Jersey, at the time of their pretended award between Mr. Emley and Reid: You will better understand my mind by the inclosed map, which is a copy exactly drawn from one of their originals; and we favour them very much in going no further, (for according to strictness, our line runs within three miles of Perth city) and by allowing them that great tract of most excellent land, from thence to the meeting of Millstone and Rariton river. I shall add one thing more, which seemeth to me of the greatest consequence: I beseech you let there be no animosity or indignation, severe censure, or spiteful reflections, on those who gave their consent unto the award made by Emley: For my part, I am fully satisfied in the honesty and fairness of their intentions; but the best of men may be overreached by cunning designing persons; forget what's past, and live together as becomes christians, and neighbours and countrymen. As I have taken care that the publick shall not suffer by their act, so I shall likewise endeavour to secure them from any trouble, only they cannot act in conjunction with the rest of the proprietors; concerning which I shall give them particular instructions; in the interim, I remain your most affectionate friend*, DAN. COXE.

** The papers here and before introduced, relating to the division line between East and West-Jersey, appeared to be those best adapted to give a general insight into the proceedings; and the reader may rest assured that they were not selected with the least partial bias to either side of the question; but if contrary to expectation, it should be hereafter found that any thing material to the purpose is omitted, upon its being properly pointed out, endeavours will be used, with the utmost candour, to have such omission supplied, or the matter otherwise rectified, as far as opportunity may allow.*

N U M B E R

NUMBER. V.

The council of proprietors of West-Jersey, to governor Burnet.

To his excellency William Burnet, esq; captain general and commander in chief of the province of New-Jersey, &c. and the honourable his majesty's council there met.

IN obedience to an order of council, appointing a time to the proprietors for exhibiting their petitions, why the bill for repealing an act for running and ascertaining the line of partition between the eastern and western division of New-Jersey, now lying before the council, should not pass. We for ourselves, and in behalf of those for whom we are concerned with, other the proprietors of New-Jersey; humbly beg leave to represent as followeth, viz.

That king Charles the second having by letters patent in the year 1663, granted to his brother, his royal highness the duke of York, and his heirs and assigns, all those tracts of land in America, of which the colonies of New-York and New-Jersey, now consist; his royal highness by good deeds and conveyances in the law, granted all that part called the province of New-Jersey, as it is now bounded by the sea, Hudson's river, Delaware bay and river; and a strait line running from the latitude of 41 degrees, on the west side of Hudson's river, to the latitude of 41 degrees 40 minutes, on the east side of Delaware river; unto the right honourable John lord Berkeley, and sir George Carteret, and to their heirs and assigns for ever.

That the said lord Berkeley, by like deeds, granted his moiety or half part of the said tract or province, unto John Fenwicke, in trust for Edward Byllinge; and the said Fenwicke, by other like deeds duly executed, declaring the said trust, granted nine tenth parts or ninety hundredth parts of all the said moiety, which the said lord Berkeley had conveyed to him as aforesaid, unto William Penn, Gaven Lawrie, and Nicholas Lucas, in trust for the said Edward Byllinge.

That the said sir George Carteret, and the said Edward Byllinge, and trustees, upon a full and absolute agreement among themselves, for dividing the said premisses into two equal parts in value, by indenture quintipartite; dated the first of July, 1676, did accordingly divide the said land, by a line to be run from little Egg-Harbour, to a certain station point in the latitude of 41 degrees 40 minutes, on the most northerly branch of Delaware river; by which the easterly part was ascertained to sir George Carteret, and the westerly to said Edward Byllinge and trustees.

That after the said partition so agreed, the said Edward Byllinge, and trustees, proceeded to grant and convey the said Edward Byllinge's part or share, being nine-tenth parts of the western moiety, unto several purchasers, under whom most or all the lands of the said

western

western division are held, excepting only Salem tenth : and that the proprietor of the said tenth acquired also in the same, can be sufficiently proved : And in all and every of those deeds of conveyance, the said indentures quinti-partite, and divisions made thereby, are recited as the foundation on which all those grants respectively are made in the said westerly part or division.

That after the said sir George Carteret's decease, his widow and executrix, who was thereunto fully impowered, granted all the easterly part of the said province, to certain purchasers, called the proprietors of East Jersey, by sundry deeds and conveyances, all which deeds in like manner recite the aforesaid indentures quinti-partite, as the foundation on which all those grants in the eastern division are made respectively.

That it is only by force of this agreement and partition, executed as aforesaid, that the proprietors of the western division are limited to the western part of the said province, on the side of Delaware: and that the proprietors of the eastern division are limited to the eastern part of the said province towards Hudson's river and the sea ; for had no such division been agreed on, as is recited in all the respective deeds of conveyance to the proprietors, those of the western division, might with an equal right, have claimed the land towards Amboy, &c. and those of the eastern might have claimed the lands towards Burlington. But the said quanti-partite indenture being executed as aforesaid, before the sales to the proprietors were made, and recited in all the deeds of conveyance, became an absolute limitation ; so that neither on the one part nor on the other, any purchaser could claim otherwise than according to that limitation, by which their lands were actually conveyed.

That notwithstanding this legal, clear and absolute partition, which is binding on every proprietor of the eastern division, and at least on all the nine tenth parts of the western division, sold by Edward Byllinge, or his trustees, and from which, those who are skilled in the law, well know it is impossible legally to recede, without the joint concurrence of every individual interested on the purchases made under Edward Byllinge, and trustees, and under sir George Carteret ; for it is well known, that no majority without the whole will in these cases determine the point ; yet there have been some persons found from time to time, who on partial views to themselves, have laboured to introduce some other sort of division ; and considerable numbers have been so far unhappily imposed upon, as to imagine a change thereof might be practicable, from which unfortunate deception, attempts have been made to alter it, and some lines for that purpose have been run, and settlements thereupon made, without due regard to the true bounds of the respective divisions ; which introduced such confusion, that the value of lands near the boundaries, have been much lessened, and the people discouraged from making improvements, where the right to the soil itself was liable to be questioned, as not lying within the division, under which it was purchased.

That the mischevicious consequences and manifest irregularities of those attempts, as well as their injustice and inconsistency with law
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and reason; being at length maturely considered under the administration of your excellency's honourable predecessor, brigadier Hunter; a bill was prepared, not only for causing the aforesaid partition line, directed by the quinti partite indentures as aforesaid, to be actually run, as the only legal division that could be made, and which might well at any time have been run, by the tenour of the proprietors general deeds, without any leave, if means could have been readily found to defray the charge: but it was also more especially provided in the said bill, for the settlement of all those who by any mistake had seated themselves, or taken up their lands, without the bounds of their respective divisions, in which they ought to have been surveyed, that they should all be served in their respective possessions, by the exchange of an equivalent, granted by each division to the other; which method was judged to be the only practicable means of making all those inhabitants easy and safe, in all their improvements and estates; and accordingly the said bill, though at first exploded in the assembly, as being brought into the house somewhat too late in time; yet when admitted, was passed by the governor and council, and by the same house, without one dissenting vote. And in pursuance thereof, with the concurrence and assistance of the several provinces concerned, the station point, at the latitude of 41 degrees 40 minutes, upon Delaware, was fixed, and random lines were carefully run along the whole distance of the two extreme points, that the true line itself might be run with the greater certainty and ease: It was therefore astonishing to us, to find (as your excellency and honourable council have been pleased to make known to us) that it should enter into any man's thoughts, to solicit the repeal of an act grounded on so solid and immovable a foundation in law on one part, and on such justice and equity on the other, as we have here humbly represented; and this even without the least offer of any other plan for remedy of the evils under which this province has so long laboured for want of a due settlement in the premises.

Nor can we conceive what motives could possibly induce any inhabitant of the province, to endeavour to sap the very foundation of all our settlements, unless there should be any of the opinion, that a just, regular and final determination of the boundaries, and a clear and quiet establishment should not quadrate with their particular interests; and that they may hope for greater advantages from their own boundless claims in a state of confusion: That there may be something of this kind in view, we have but too great reason to apprehend from the strenuous endeavours used of late to diffuse groundless jealousies and false insinuations among the people of the western division, as if the lesser proprietors would by the late act, be in danger of losing their fourth dividends, while the greater would be secure in the possession of theirs; the absurdity of which, the act itself, with the common method of taking up those lesser fourth dividends, will fully evince; as also introduce new and extraordinary methods of splitting the smallest shares for qualifying votes for the council of proprietors, who at this time consist of a number of men, whose shares (one gentleman only excepted) will not, as we are well assured, amount to two proprietries in the whole; nor were their
electors

electors much differently qualified, as upon a scrutiny, may be fully made to appear.

But as your excellency's principal concern, is the peace and prosperity of the people, committed by his majesty to your care; and no subjects can be more deeply interested in the same, than his majesty's honourable council for the same province; and as your wisdom we doubt not will as clearly see, as your justice will dispense, and order what may most conduce to those desirable ends; in a firm dependance therefore on both these, we shall crave the liberty to pray, that the said bill now lying before the council, for repealing that most useful act, may be rejected; and that instead of yielding to what might engage his majesty's province in future confusions, your excellency and the council, together with the assembly, would be favourably pleased to encourage such other proposals as may be made, for happily ending all manner of controversies and disputes, concerning the estates of the people of the said province.

John Ladd, for himself and Col. John Alford; John Budd, for self and Boulton; John Kay, Wm. Cooper, Francis Rawle, jun. Charles Brogden, Samuel Lippincott, John Snowden, jun. Isaac De Cow, for himself and Samuel Barker; Matthews Gardiner, Isaac Pearson, William Pancoast, William Biles, Isaac Watson, William Rawle, Thomas Sharp, for self and John Dennis; John Estaugh, for the London company, John and William Dimsdale, Peter Rich, Benjamin Hopkins and self; William Biddle, Hugh Sharp, Henry Hodge, Robert Rawle, George Budd; James Logan for proprietries, William Penn's family 12, John Bellers 1, Amos Strettle 1, myself $\frac{1}{2}$; Richard Hill for Nath. Stanbury, Mary Willson.

NUMBER VI.

Reasons and proposals for an amendment of the quinti partite line, and the act made for the confirmation thereof.

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1687.

First. **B**ECAUSE the act was passed without the knowledge or consent of numbers of the proprietors, and the allowing or disallowing the line, being matter of property, and of great consequence to them; it is conceived to be against natural justice to pass any law, to dispose of their private property without their consent.

Second, Because there was another line more fairly and equally agreed to by the governors, and majority of the proprietors of each division, and actually run at great expence.

Third, Because the act is deficient in divers instances, and particularly in this; that tho' by the act, the quantity of land in each division, is to be the same, yet the quality thereof is not regarded, and may be extremely different; the eastern division being well known to contain considerable more good land than the western; which, with the addition of Staten-Island, which it's presumed is their right, will make their share considerable more in value than

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what must fall to the western proprietors; and particular persons may be very much prejudiced thereby; for an equal number of acres of land, up at Mohockamack, or in any of the upper parts, would scarcely be thought an equivalent to any individual, for the loss of a tract in the lower part of the province.

Fifth, That several tracts of lands, since the making of that act, have been taken up both by western and eastern proprietors, which the line, when run, may cast into the opposite division from that they were thought to be; and as this mistake would not have happened but from the neglect of running the line, it would be hard they should suffer, and would therefore be proper to fall on measures to secure them in their possessions.

Sixth, The commissioners and surveyors are not limited from, but have it in their power to give away (under pretence of an equivalent) the estate of any one proprietor, if in the fourth dividend, tho' it should amount to 10 or 20,000 acres, and that before sold or disposed of.

Seventh, That many of the proprietors and purchasers in West-Jersey, had, before the making of that act, sold several tracts of land, surveyed and recorded in right of a fourth dividend, which may fall to the eastward of the quinti partite line, tho' they were to the westward of the line agreed to by Coxe and Barclay, (which at that time was universally esteemed to be the true line) yet by this act the purchaser may be ousted of his freehold, and the vender liable to be sued and put to great charge; which is an inconveniency proper to be considered and redressed.

It is therefore proposed, that the proprietors of each division, should consent to an amendment of the above grievances, and that an equivalent be given to the western proprietors, for the loss of that gore of land between the quinti partite line, and that commonly called the scotch line, up to the south branch of Bariton: and also for so much of that tract of land lying in the forks of the north branch of Bariton, held under eastern rights, should it be confirmed to the eastern proprietors pursuant to that act, it being always received to be in the western division by the agreement made between Coxe and Barclay.

NUMB. VII.

*At a council of proprietors held at the city of Perth-Amboy,
August 17, 1742.*

PRESENT.

John Hamilton, esq; president.
Robert Hunter Morris, esq;
for Mr. Ashfield's propriety.
Mr. Alexander,
Mr. Johnston.
Mr. Burnet,

Mr. Dunstar.
Mr. Peters, for Messrs. Penns.
Mr. Leonard.
Mr. Nevill.
Mr. Smythe.
Mr. Foreman.

THIS

THIS board having had under consideration, at its several meetings in and since September last, the paper delivered by the western proprietors, entitled, reasons and proposals for an amendment of the quinti partite line, and the act made for the confirmation thereof, have hitherto delayed coming to any resolutions; in order that all the members might thereby have an opportunity of weighing and giving their judgments in a matter so nearly affecting their interest; and the same being now maturely considered at a full board, it is unanimously agreed, to return the following answers to the several articles of the said paper.

To the first, it is the opinion of this board, that though the act might have passed without the knowledge and consent of some of the proprietors of the western division of New-Jersey, yet they have reason to believe, it was warmly solicited by such as were owners of a great number of the shares, and past with the consent of a greater number of those proprietors, than ever hath been, or can be got to agree to any alteration of that act: As to the quinti partite line, the deed of 1676, by which it was agreed on, having been executed by all the then proprietors of the eastern and western divisions of New-Jersey, did legally establish that partition line; and being so established, it wanted not the authority of that act to make it binding on all parties thereto, and their assigns; nor does that act, as we conceive, by establishing that line, dispose of any man's property.

To the second, this board has been informed, and believes, that in the year 1686, the lieutenant governors of the eastern and western divisions of New-Jersey, entered into bonds of arbitration, to stand to the award of John Reid and William Emley, concerning the partition line between East and West Jersey; and that those arbitrators made an award of the course which such line should run from little Egg-Harbour: and that the following year George Keith, surveyor general of the eastern division; did, as we believe, at their expence, actually run the line so awarded, from little Egg Harbour, to Dobies plantation, on the south branch of Rariton; which is upwards of sixty miles.

This board has likewise been informed, and believes, that another partition line was afterwards agreed on between the chief governors doctor Coxe and Robert Barelay; but has not heard of any part thereof being afterwards actually run; and it appears not by any thing on our records, that either of those two lines were made binding on the proprietors of either division, or with consent of the majority of the proprietors; and had they been with such consent, yet could they not thereby have appeared to alter the quinti partite line before agreed to by all the proprietors.

To the third, we know nothing in the act that supposes the quantity of land in each division to be the same; nor do we conceive after the execution of the quinti partite deed, that the proprietors of either division had any concern with the quantity or quality of the land of the other division; tho' were it a matter proper to be enquired into, we have reason to believe, that the western division would be found to contain a much greater number of acres, even including Staten-Island, than the eastern division.

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To the fourth, there has been many applications from the eastern to the western proprietors, to join in the running the quinti partite line according to the act, and the eastern proprietors have always been ready to join in that work; and if any mistakes have happened such as the article sets forth, its but reason they should suffer, seeing the proprietors of both sides were sufficiently warned by that act, of the danger of such mistakes, and ought to place their loss thereby to the account of those who have been the cause of the delay of the running of the line.

To the fifth and sixth, we are of opinion, that the act was principally framed, with a view to prevent the inconveniencies set forth in these articles, and is sufficiently worded to answer the ends.

As to the equivalent proposed by the said paper to be given to the western proprietors, we conceive, that the act has fully provided a remedy for an equivalent to that division, to which it shall be found to belong.

And upon the whole, as the act was passed with the consent of a very great number of proprietors, especially of the western division, and as the act has received the royal assent, so that no alteration can be made therein but by the king's express assent first had: And as it might be of very dangerous consequence, to alter or attempt the altering any part thereof; and as we believe the consent cannot be had of so great a number of the proprietors to any alteration, as there was to the making of the act; we cannot agree to any the least alteration therein; and hope the western division proprietors will join with the eastern proprietors in the running of the line, and estimating the equivalent, pursuant to the act: And that the work may be begun this fall, and carried on in the manner proposed by the minute of this board, of the 28th of May, 1741, (whereof a copy was then sent to the western proprietors) or in such other reasonable manner as can be agreed on; and hope, that we may not be laid under any necessity of running the line *exparte*, or of taking any compulsory method for settling the equivalent; and in hopes that things so disagreeable, might have been avoided, we have hitherto delayed the having recourse to them.

Ordered, that Mr. Johnston, Mr. Nevill, Mr. Burnet, Mr. Leonard and Mr. Smyth, or any three of them, be a committee to agree with the western division proprietors, upon the time, ways, and means for running the said line, pursuant to the act; having regard to the former minutes of this board concerning the same, and to employ the persons necessary for the work in behalf of the eastern proprietors; which committee are to be ready at Perth-Amboy at any time, until the end of March next; to meet or correspond with a committee of the western proprietors for the above purpose.

Ordered, that if any other of the members of this board, be at Perth-Amboy, that they be admitted into the said committee.

Lawr. Smyth, register to the council of proprietors.

NUMBER VIII.

To the King's most excellent majesty.

The remonstrance and humble petition of your majesty's most loyal subjects, inhabiting in your majesty's province of East New-Jersey, in America.

Humbly sheweth,

THAT whereas your majesty's humble petitioners did remove and settle themselves into the said province of East New-Jersey, and by virtue of a licence from the honourable colonel Richard Nichols, governor of the said province, under his then royal highness the duke of York, to purchase lands of the native pagans; did, according to the said licence, purchase lands of the said natives, at their own proper costs and charges; and whereas since his said royal highness did sell and transfer all his right and interest to the said province of East New-Jersey, to certain proprietors; by whose licence, several others your majesty's loyal subjects, have also since purchased lands at their own proper costs and charges, of the native pagans of the same place; whereby they humbly conceive they have acquired and gained a right and property to the said lands so purchased; yet notwithstanding, your majesty's loyal subjects are molested, disturbed and dispossessed of their said lands, by the said proprietors or their agents; who under pretence and colour of having bought the government, with the soil, have distrained from, and ejected several persons for and under the pretence of quit rent, and lord's rent; whereby your majesty's liege subjects have been sued, and put to great trouble and charges, and have been compelled to answer to vexatious actions; and after they have defended their own rights, and obtained judgment in their favour, could not have their charges, as according to law they ought to have; but have been forced to sit down under the loss of several hundreds of pounds, sustained by their unjust molestations.

And further, notwithstanding your majesty's liege subjects have purchased their lands at their own proper costs and charges, by virtue of the aforesaid licence; yet the said proprietors, governors or agents, without any pretended process of law, have given and granted great part of the said lands, by patent, to several of the said proprietors and others as to them seemed fit.

And notwithstanding their pretence to government, yet they left us from the latter end of June, 1689, till about the latter end of August, 1692, without any government, and that too in the time of actual war; so that had the enemy made a descent upon us, as we were without any military officers to command or give directions, in order to our defence, or magistrates to put the laws in execution; and during the whole time, the said proprietors have governed this your majesty's province, they have never taken care to preserve or defend us from the native pagans, or other enemies, by sending or providing any arms, ammunition or stores; but rather
have

have provoked and incensed the said natives to make war upon us, by surveying and patenting their lands, contrary to their liking, without purchasing the same from them, or making any satisfaction in consideration thereof; and sometimes when the said natives have sold and disposed their lands, as to them seemed meet, they the said proprietors have disposed of the same to others, or else found them who had the property in it, to purchase it of them, upon their own terms; which the said natives have highly resented, and often complained of, and (may justly be feared) wait only for an opportunity to revenge it upon the inhabitants of this your majesty's province.

And further to manifest the illegal and arbitrary proceedings of the said proprietors, in contempt of your majesty's laws, and against their own knowledge, signified in a letter by them to the council here in East New-Jersey, wherein they say as followeth: 'We have been obliged against our own inclinations to dismiss colonel Hamilton from the government, because of a late act of parliament disabling all scotchmen to serve in places of publick trust and profit, and obliging all proprietors of colonies to present their respective governors to the king, for his approbation; so we have appointed our friend Jeremiah Basse, to succeed colonel Hamilton in government, whom we have also presented to the king, and by him he is owned and approved of.' Notwithstanding which letter, they have superseded the said Jeremiah Basse (whom they wrote was approved by your majesty) and have commissioned the said colonel Hamilton, without your majesty's royal approbation; although removed before by them, as a person disabled by law; who now by virtue of their, the said proprietors commission only, would impose himself upon us as governor; and when in government before, superseded by the aforesaid Basse, was by them continued about a year after the 25th of March 1697, without taking the oath enjoined by law; and doth now presume to exercise government, not having legally taken the said oath, or having your majesty's royal approbation. The said proprietors of East New-Jersey, have also, in contempt of your majesty's known laws, commissioned a native of Scotland to be secretary and attorney-general of this your majesty's province; (being both places of the greatest trust next to the governor) and one of the same nation to be clerk of the supreme court of this your majesty's province; which may be of ill consequence, in relation to the act of trade and navigation, and to the great hindrance of your majesty's loyal subjects, (the power of government being chiefly in the hands of natives of Scotland) from informing against any illegal or fraudulent trading, by Scotchmen, or others in the province.

We your majesty's loyal subjects, labouring under these, and many other grievances and oppressions, by the proprietors of this your majesty's province of East New-Jersey; do in most humble manner, lay ourselves before your majesty (the fountain of justice) humbly imploring your majesty will be graciously pleased, according to your princely wisdom, to take into consideration our evil circumstances, under the present proprietors, (if the right of government is invested in them) and that your majesty will be graciously pleased to give
your

your royal orders to the said proprietors, that with your majesty's royal approbation, they commissionate for governor, a fit person qualified according to law, who as an indifferent judge, may decide the controversies arising between the proprietors and the inhabitants of this your majesty's province; and settle all the differences, which at present they labour under; and your majesty's petitioners as in duty bound, shall ever pray.

John Royce, Samuel Walker, Vincent Rugnion.

Memorandum. Besides these three, there are 221 more in the original.

NUMBER. IX.

To the right honorable the lords of the council of trade and foreign plantations.

The memorial of the proprietors of East New-Jersey, in America. **T**HE proprietors having in all their applications to this honourable board, shewed an aversion to have any controversy with his majesty; as by their several expedients in their memorials laid before your lordships may appear; and considering how often the near neighbourhood of East-Jersey to New York, (the most important frontier belonging to the crown of England, in North-America) has been urged upon them, to induce them to a resignation of their government; they do hereby declare themselves ready to surrender the same to his majesty; although the government was the chief motive of purchasing the said province, which they did by the opinion and advice of eminent council, learned in the law; upon the credit of which, and the confirmation by king Charles the second, of the title to the grantees, their heirs and assigns, as absolute proprietors and governors (as by his proclamation hereunto annexed does appear) they have buried great part of their estates in building, and planting the country; and at their own expence maintained the government for several years past, as well as before his majesty's happy succession to the crown, as ever since; and have not received any returns whatsoever, for all their labour and cost to this day. In consideration of the premisses, the proprietors do, in humble confidence, rely on his majesty's justice and goodness, to confirm to the proprietors and planters respectively, the following rights and privileges; to render them (at least) as easy under his majesty's government, as when under the proprietors: towards which they presume to enumerate the following particulars, viz.

First, That his majesty will be graciously pleased to confirm to them, the soil and lands of the said province, and the quit rents reserved upon the grants made, or to be made to the planters or others.

Second, That upon the annexation of the government of the said province, to that of New-York, the port of Perth-Amboy may be established, for entering ships, and importing goods there,
and

and exporting goods from thence, without being obliged to enter their ships at any other place; paying the same, or like custom to his majesty, as are or shall from time to time, be payable at New-York.

Third, To have free liberty to trade with any Indians, or other inhabitants of America, without interruption; and the proprietors to have the sole privilege (as always hath been practised) of purchasing from the Indians, all such lands lying within East-Jersey, as yet remain unpurchased from them.

Fourth, All necessary officers and courts of justice, for administration of justice, in cases criminal and civil, to be appointed and held in East-Jersey; in the same manner as is practised within the government of New York; and that the inhabitants may not be obliged to go to New-York, or be impleaded there, for any criminal or civil matter arising within East-Jersey, nor be compelled to serve upon juries, or in any ministerial office within the province of New-York.

Fifth, That a superior court be held twice a year, at Perth-Amboy, before which writs of error, or appeals (in the nature of writs of error) from other courts within the province, may be brought and determined.

Sixth, That the public register, and all records relating to the said province, may be kept at Perth-Amboy, and not removed to any other place; and that the constituting of the secretary and register, and the surveyor general of the said province of East New-Jersey, remain in the proprietors.

Seventh, That the same number of counties be continued in East Jersey, as there are at present, and by the same names; and that each county in East Jersey, may choose and send as many representatives to the general assembly, to be held for New-York and East-Jersey, as are or shall be chosen by any county in New-York; and if any more counties shall be hereafter created or appointed in New-York, as many may be created and appointed in East-Jersey.

Eighth, That a proportionable number of the inhabitants of East-Jersey, may be appointed to be of the governor's council, at all general assemblies, and to have votes therein.

Ninth, That the twenty-four proprietors may be lords of the soil, and hold courts for the lands in their proprietyships, and appoint all officers that relate thereunto.

Tenth, No person or persons whatsoever, to be molested or deprived of any civil right or privilege, or rendered incapable of holding any office or employment in the government, because of their religious principles; the province being planted by protestant people of divers persuasions, to whom that liberty was an original encouragement.

Eleventh, That all wills of persons dying within East-Jersey, and letters of administration of estates lying there, may be made and granted by the chief judge of East-Jersey, for the time being, who is to reside there, and a register thereof kept at Perth-Amboy.

Twelfth, That the proprietors still have their powers continued, to grant markets and fairs in the said province.

Thirteenth,

Thirteenth, Lastly, all lands, goods and chattles of felons, felons of themselves, deodands, fugitives, persons outlawed and put in exigent, waifs, estrays, treasure trove, mines and minerals, royal mines, wrecks, royal fish, that shall be forfeited, found or taken within East-Jersey, or by the inhabitants thereof, within the seas adjacent, to remain to the proprietors, with all other privileges and advantages, as amply as in the grant and confirmation to them of the fourteenth of March, 1682.

And because many of the proprietors of East-Jersey, are also proprietors of West-Jersey; it is humbly desired, that colonel Andrew Hamilton, may be dispatched by this board, to the government of West-Jersey; his presence being much wanted there, for the convenience of his majesty's subjects in that province.

Signed by order, and on behalf of the proprietors.

WILLIAM DOCKWRA, secretary and register.

NUMBER X.

*Opinion and answer of the lords commissioners for trade and plantations, to the memorial of the proprietors of E. N. Jersey, in America, signed by Mr. Dockwra, and received from him the 5th of July, 1699.**

ARTICLE I. WE have no objection to what is herein desired.

ARTICLE II. We conceive his majesty may do what is herein proposed, in case the proprietors accept of a new charter, with such conditions as are reasonable, with relation to their propriety; but that it is very improper for his majesty to oblige himself to a compliance with this article by any clause in the new charter.

ARTICLE III. The first part of this article is unreasonable; since it may happen to be sometimes advisable to restrain this liberty: But the proprietors of East-Jersey may have the same liberty granted them of trading with the Indians, as is granted to the inhabitants of New York, or any other plantation in America, under his majesty's immediate government; what relates to the purchasing of land may be allowed.

ARTICLE IV. The first part of this article, we conceive, may be fit to be allowed, (provided the officers be appointed by the king's governor) but not without appeals in civil matters, to the king's governor and council, and to the king in council; nor so as to hinder trials in criminal matters, by his majesty's especial commission, to be executed either in New-York, or East-Jersey, as shall be thought fit; New-York and East-Jersey being to be accounted one province, without distinction, except as to the propriety of lands, and the *dominium utile*.

* Taken from the books in the plantation office.

ARTICLE V. This article we think fit to be allowed of, provided there be a further appeal to the governor of New-York, and council, which is to consist as well of the inhabitants of East-Jersey, as of those of New-York, indifferently.

ARTICLE VI. What relates to the publick register and records, to be kept at Perth-Amboy, may be allowed; but the not removing them to any other place, upon any account whatsoever, when the publick service shall require it, seems unreasonable; and the proprietors constituting of the secretary and register (which the king does every where appoint) does not seem fit to be allowed; nor is it fit there should be more than one chief secretary, both for New-York and New-Jersey, who may appoint a deputy to officiate in his absence from either place.

The surveyor general has a more particular reference to the proprietors and their lands; so that their constitution of such an office, may be allowed.

ARTICLE VII. We have no objection against the number of counties; but the rest of this article seems to be wholly unreasonable; and in case East-Jersey be allowed to send one sixth part of the representatives of the general assembly, and West New-Jersey one sixth more (which would be one full third of the whole number of the representatives for New-York and the Jersies) it is as much as can well be allowed; since otherwise these two Jersies under proprietors, would come in competition with New-York itself, and out-vote that part of the province when united; so that one-third of the number of representatives for the Jersies, and two thirds for New-York (or thereabouts) seems a reasonable proportion.

ARTICLE VIII. This may be reasonable; but then the proportion must be agreed on, so as to answer that of the preceding article.

ARTICLE IX. We have no objection to this article, in case those officers be no other than such as constitute a court baron orleet in England.

ARTICLE X. This article must be regulated by acts of parliament, and the usage of New-York itself.

ARTICLE XI. The probate of wills is usually in the king's governor; but he may appoint commissaries for executing the same in any part of his government.

ARTICLE XII. We have no other objection, than that this power is usually in the governor.

ARTICLE XIII. This article may be reasonable, except as to the goods and chattels of traytors, fugitives, and persons outlawed, which is matter of state; nor can right accruing to the proprietors from the seas adjacent, be well circumscribed; the grant also of 1682, ought to be duly considered, and such particulars therein as are proper, may be allowed of without such a general and undetermined reference.

NUMB. XI.

To the right honourable the lords of the council, of trade and foreign plantations.

The humble memorial of the proprietors of the province of East New-Jersey in America.

THE proprietors in all their applications to your lordships, and particularly in their last proposals, having express'd a great readiness of complying with his majesty's pleasure, in relation to their government, so as their properties might be preserved to them, by such concessions on his majesty's part, as are necessary to that end; are surprised at the dubious answer returned by your lordships to the second article of their proposals, concerning the establishment of a port at Perth-Amboy, for entering ships and importing goods there, and exporting goods from thence without being obliged to enter their ships at any other place. For the principal objection that has been always made, to the allowance of a port in East-Jersey, arising from the non-payment of customs there, and the detriment accruing to the trade of New-York; by reason thereof the proprietors conceived, that by submitting to pay the same customs as are paid at New-York, they had effectually answered that objection, and prevented all others; and that they being his majesty's subjects, and equally entitled to his favour and protection with the inhabitants of New-York, might under the payment of such duties, freely enjoy those conveniencies for trade, which God and nature have allotted to their colony and they have purchased with their money, and which has not been denied to any other American plantation; tho' paying no customs, but permitted as a natural right. The proprietors therefore crave leave (in pursuance of that sincerity and plainness wherewith they have all along addressed to your lordships on this occasion) to declare, that the obtaining a port to be continued forever, was their main inducement to consent to a surrender of their government; and therefore, they insist, that in the new charter to be granted them by his majesty, there be an express clause inserted, whereby Perth-Amboy shall be established a port forever, for entering all ships coming into, and going from East-Jersey, for importing and exporting goods; and that such port shall not be forfeited or taken away for any misdemeanor whatsoever, but only the persons guilty of the misdemeanor, shall be accountable and punishable for it.

This is the only thing that makes the province of any value to the proprietors, or give them hopes of re-imburſing their purchase money, and other expences in improvements; and if your lordships think it too great a privilege for them, who have been faithful subjects to his majesty, and contributed to the defence of the frontiers during the late war in America, more than they were able to bear; the proprietors cannot be accessary to their own ruin, by a voluntary surrender; but must endeavour to vindicate their rights in

a legal manner, and seek redress by such other measures as they shall be advised to, and are consistent with their duty to his majesty.

The proprietors do further crave leave to mention, that if their desire of a port is once granted, they do not foresee any great difficulty, to adjust with your lordships the other articles mentioned in their memorial.

Signed on the behalf of the said proprietors, and by their order,

WILLIAM DOCKWRA, Secretary and Register.

London, 15th January, 1699-1700.

NUMBER XII.

To their Excellencies the lords justices of England.

The humble petition of the proprietors of the provinces of East and West-Jersey, in America.

Sheweth,

THAT your petitioners, as they were advised by their council, being legally entitled to the government of those provinces, by virtue of several grants from the late king James, when duke of York, the declaration of the late king Charles the second, under the great seal of England, and of several acts of state and orders of council, admitting their right, have, for many years appointed governors there, and particularly colonel Andrew Hamilton, who administered the government, to the great service of the crown, and universal satisfaction of the inhabitants, until an act of parliament passed in the seventh and eighth years of his present majesty's reign, entitled 'an act for preventing frauds, and regulating abuses in the 'plantation trade.'

Upon which law some doubt arising, whether a native of Scotland (as col. Hamilton is) were capable of being a governor of the plantations; your petitioners, for avoiding any colour of offence against that act of parliament, appointed one Jeremiah Basse governor of those provinces; but the lords of the committee of trade and plantations, making then some scruple concerning your petitioner's right of government; mr. Basse had not such a formal approbation of his majesty, as that act directs; and though your petitioners were at the same time honoured with instructions from the then lords justices, and lords commissioners of the treasury, for their governors conduct, which were produced, and published by mr. Basse, as a testimony of his being nominated governor with the knowledge and implicit consent of his majesty and his ministers of state; yet for want of an express approbation in writing, the inhabitants refused to obey him; and he returned to England: Whereupon your petitioners, who had been informed of the opinions of his majesty's late attorney and present solicitor general, that a native of Scotland was not disabled to execute any office in the plantations, were induced to re-appoint the said col. Hamilton (then in England) governor of those provinces, whom your petitioners presented to the lords of the committee of trade and plantations, humbly remonstrating to them, the necessity
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of sending a governor for preservation of the publick peace, and praying their lordships recommendation of him for his majesty's approbation ; but their lordships having resolved to controvert your petitioners right of government, by a trial at law, declared they could not consent to such an approbation, without prejudice to his majesty's right ; yet in regard to the necessity of the people's being under some government till the right was determined, their lordships delivered their opinion, that col. Hamilton, acting according to the laws of England, your petitioners might be safe in commissionating him, and he in executing their commission ; under the security of which approbation, col. Hamilton went over, and re-assumed the government of those provinces ; but some factions and turbulent persons, impatient of any government, oppose his administration, because he is not approved of by an order of council, according to the express letter of the act of parliament, and have made so great divisions and confusions there, that the publick peace is daily violated, and the publick justice obstructed.

That your petitioners have agreed, and are ready to surrender all their right of government to his majesty, upon such terms and conditions, as are requisite for preservation of their properties and civil interests, and which they humbly hope will be allowed to them.

Your petitioners therefore most humbly pray, that for the preservation of the publick peace of those provinces, your excellencies will be graciously pleased, immediately to approve of col. Hamilton to be governor of the provinces of East and West-Jersey, until the terms of surrender can be adjusted ; and your petitioners shall ever pray.

Jos. Brooksbank, Dan. Coxe, jun. Tho. Hart, Joseph Ormston, Joseph Ormston, as having procuration, Miles Foister and Edward Antill, Gilbert Molleson, Tho. Barker, Tho. Lane, Paul Dominique, Tho. Skinner, John Bridges, Michael Watts, E. Richier, Clem. Plumstead, Tho. Cooper, Walter Benthall.

N U M B E R X I I I .

Representation of the lords of trade.

To their excellencies the lords justices.

May it please your excellencies,

IN obedience to your excellencies commands, signified to us by Mr. Yard, upon several papers laid before your excellencies, relating to the state of his majesty's provinces of East and West-Jersey, in America : We have considered all the said papers, together with others of the like nature, that were already in our hands ; and having likewise heard what the proprietors and others had to offer ; we thereupon most humbly report to your excellencies,

That those countries which are now known by the name of East and West New-Jersey, were granted, together with several other territories, by king Charles the second, by letters patents, bearing
date

date the 12th day of March, 1664, to the then duke of York, his heirs and assigns; together with full and absolute power and authority to him, his heirs, deputies, agents, commissioners and assigns, to correct, punish, pardon, govern and rule, all such persons as did then, or should at any time thereafter, reside within the said territories, according to such laws, orders, ordinances, directions and instruments, as by the said duke of York, or his assigns, should be established; and with several other clauses relating to the government and defence of the same.

That the said duke of York did thereupon grant, convey and assign, the said provinces, (by the names of Nova-Cæsaria or New-Jersey) to John lord Berkeley and sir George Carteret, their heirs and assigns, with all and every the appurtenances thereto belonging, in as full and ample manner as the same was granted to him, by the aforesaid letters patents of king Charles the second.

That his said majesty king Charles the second, by other letters patents, dated the 29th of June, 1674, did again grant and convey to the said duke of York, all the said lands and territories, in the same manner as before expressed; and that several sub-divisions and sales, having in the mean while been made by the said lord Berkeley, sir George Carteret, and others claiming under them; he the said duke of York, did, by indenture, dated the 6th day of August, 1680, grant and confirm the province of West New-Jersey, with all the appurtenances thereunto belonging, to Edward Byllinge, of Westminster, gent. in whom the title thereunto then was, and to his heirs and assigns forever; and did in like manner, by indenture, dated the 14th day of March, 1682, grant and confirm the province of East New-Jersey, with all the appurtenances thereto belonging, to James Earl of Perth, William Penn, esq; and several other persons, in whom the title to the same then was; and to their heirs and assigns forever; and by each of the said indentures, did likewise give, grant, and assign unto the aforesaid respective grantees or assigns, all and every such and the same powers, authorities, jurisdictions, governments, and other matters and things whatsoever, which by the aforementioned respective letters, patents, or either of them, were granted or intended to be granted, to be exercised by him the said duke of York, his heirs, assigns, deputies, officers or agents.

That the present proprietors who derive their respective titles to their several shares and proportions of the soil of these provinces, by several mean conveyances, from and under the aforementioned grants to Edward Byllinge, and to the Earl of Perth, and other persons to whom the duke of York had immediately conveyed the same; do in like manner, and by virtue of divers such mean conveyances, claim the same powers and rights of government as were granted by king Charles the second, to the duke of York; and by him to others, according to the tenor of the aforesaid indentures.

That nevertheless, we do not find, that any sufficient form of government has ever been settled in those provinces, either by the duke of York, or by those claiming under him, as aforesaid; but that many inconveniences and disorders having arisen from their pretence
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of right to govern. The proprietors of East New-Jersey, did surrender their said pretended right to the late king James, in the month of April 1688; which was accordingly accepted by him.

That since his majesty's accession to the crown, the proprietors both of East and West New-Jersey, have continued to challenge the same right as before; and did in the year 1697, apply themselves to us, in order to their obtaining his majesty's approbation of the person whom they desired to have continued governor of the said provinces, but at the same time refused to enter into security to his majesty, pursuant to the address of the right honourable the house of lords, of the 18th of March, 1696, that the person so presented by them the said proprietors, should duly observe and put in execution, the acts of trade; yet nevertheless proceeded, from time to time, to commissionate whom they thought fit, to be governor of those provinces, without his majesty's approbation; according to what is required by the late act, for preventing frauds and regulating abuses in the plantation trade.

That in this manner having formerly commissioned col. Andrew Hamilton, afterwards mr. Jeremiah Basse; then again superceding their commission to mr. Basse, and renewing or confirming that to col. Hamilton; and ever since that also, some of them having sent another commission to one capt. Andrew Bown: The inhabitants sensible of the defect and insufficiency of all those commissions, for want of his majesty's authority, have upon several occasions, some of them opposed one of those governors, some another, according as interest, friendship, or faction had inclined them.

That the inhabitants of East New-Jersey, in a petition to his majesty, the last year, complained of several grievances they lay under, by the neglect or mismanagement of the proprietors of that province or their agents, as particularly, that from the latter end of June 1689, till about the latter end of August 1692 (which was a time of actual war) they had not taken any manner of care about the government thereof, so that there having been neither magistrates established to put the laws in execution, nor military officers to command, or give directions, in order to the defence of the province, they were exposed to any insults that might have been made upon them by an enemy; unto which they also added, that during the whole time the said proprietors have governed, or pretended to govern that province, they have never taken care to preserve, or defend the same from the Indians, or other enemies, by sending or providing any arms, ammunition or stores, as they ought to have done; and the said inhabitants thereupon, humbly prayed his majesty would be pleased to commissionate some fit person qualified according to law, to be governor over them.

That it has been represented to us, by several letters, memorials, and other papers, as well from the inhabitants as proprietors of both those provinces, that they are at present in confusion and anarchy; and that it is much to be apprehended, left by the heats of the parties that are amongst them, they should fall into such violences as may endanger the lives of many persons, and destroy the colony.

That

That the greatest number of the proprietors of both those provinces residing in this city, being hereby sensible of the necessity of his majesty's authority, for the preserving of peace and good order in those countries, have lately presented a petition to your excellencies; in the preamble whereof, though they still seem to assert their title to the government of the said provinces; yet nevertheless in the end, declare they have agreed, and are ready to surrender the same to his majesty, upon such terms and conditions as are requisite for preservation of their properties and civil interests; and they therefore humbly pray, that for the preservation of the publick peace, your excellencies would be graciously pleased, immediately to approve colonel Hamilton, to be governor of both the said provinces of East and West New-Jersey, until the terms of surrender can be adjusted.

That in a late memorial* presented to your excellencies (and signed not only by the same person, but by others likewise, who would not join in the prayer of the petition) having again prefaced their own pretended right to government; they do in like manner declare their readiness to surrender the same, in humble hope and confidence (as they express themselves) that his majesty will be pleased to grant them all reasonable privileges, which are necessary to preserve their civil rights, and the interests of planters, and which are not inconsistent with his majesty's service, or royal authority; after which they proceed to propose, and particularly enlarge upon, several articles relating to the method of settling both the said provinces, and uniting them under one government.

That the proprietors of East New-Jersey, residing there, have signed and sent over hither, to a gentleman whom they have constituted their agent and attorney in that behalf, an absolute and unconditional surrender of their right to the government of that province, so far as the same is in them, and so far as they are capable of doing it for others concerned with them in that propriety.

That in relation to the aforesaid articles, we have been attended by several of the proprietors here; who have further personally declared to us, that their intention in proposing the same, is only to secure their rights, in such things as are matter of property; and that they unanimously desire to surrender the government to the king, and submit the circumstances thereof to his majesty's pleasure. But in relation to the aforementioned petition, that colonel Hamilton may at present receive his majesty's approbation to be governor of those provinces, the said proprietors are so divided amongst themselves, that whereas some seem to insist upon his approbation, as one principal condition of their surrender, others in the same manner insist upon his exclusion.

Upon all which, we humbly represent unto your excellencies, that not being satisfied, that the aforementioned grants from the duke of York, (the only title upon which the said proprietors claim a right to government) without any direct and immediate authority from the crown, were or could be of any validity to convey that right, (which we have been informed is a power unalienable from
the

* See the memorial which follows.

the person to whom it is granted, and not to be assigned by him unto any other; much less divided, sub-divided, and conveyed from one to another, as has been done in the present case) We did there-upon humbly represent to his majesty, the 18th of April, 1699, that a tryal might be had in Westminster-Hall, upon a feigned issue, whereby their claim to the right of government, might receive a determination.

That no such determination having yet been made, nor any proceedings (that we know of) had, upon the forementioned surrender; but it being generally acknowledged, both by the inhabitants and proprietors of the aforesaid provinces, that the disorder and confusion they are now fallen into, are so great, that the publick peace and administration of justice is interrupted and violated; and that whilst those disorders continue, there neither is nor possibly can be, any due provision made, for the guard and defence of that country, against an enemy, we are humbly of opinion, that it is very expedient for the preservation of those territories to the crown of England, and for securing the private interest of all persons concerned, that his majesty would be pleased to constitute a governor over those provinces, by his immediate commission; which together with the instructions, to be also given to the said governor, may contain such powers, authorities and directions, as may be necessary for the establishing there a regular constitution of government, by a governor, council, and general assembly, with other civil and military officers; and for securing to the proprietors and inhabitants, all their properties and civil rights, in as full and ample manner, as the like are enjoyed by any plantation, under governors appointed by his majesty's immediate commission; together with such clauses and further provisions, as may be thought reasonable, in order to prevent the interfering of that colony with the interest of his majesty's other plantations; as the proprietary governments in America have generally done.

And we further humbly offer, that draughts of such a commission and instructions may be prepared; and that they may be also shewn to the proprietaries of those provinces, in order to their acquiescence, and the surrender of their pretended right to government, in such manner and form as may be effectual in law, to the final extinguishing of their pretences; or in case of their refusal, in order to such other proceedings as shall then be thought fit.

All which nevertheless, is most humbly submitted.

Phil. Meadows, Jo. Pollexfen, Abr. Hill, Mat Prior.
Whitehall, October 2, 1701.

NUMBER XIV.

The humble memorial of the proprietors of the provinces of East and West-Jersey, in America.

THOUGH the proprietors are advised by their council, that their right to ports within those respective provinces, was fully asserted, and their past administration of the government of those provinces

provinces, as fully justified at the late trial had in the court of king's bench, between mr. Basse and the earl of Bellemont; they are notwithstanding, ready and desirous, in obedience to his majesty's pleasure, to surrender all right of government there; in humble hope and confidence, that as his royal wisdom prompts him to resume the American proprietary governments into his own more immediate administration; so his justice and goodness will incline him to grant the proprietors all reasonable privileges, which are necessary to preserve their civil rights, and the interest of the planters, and which are not inconsistent with his majesty's service, or royal authority.

To which they humbly propose and pray,

First. That his majesty will grant and confirm to them their lands and quit-rents, with such other liberties, franchises and privileges, as were granted to them by the late king James, when duke of York, or have been granted by his majesty to other proprietors of provinces in America, except the powers of government.

Second. That his majesty will grant to them, the sole power of purchasing from the Indians, all lands lying within these provinces, which remain unpurchased from them; and that all other persons who have purchased, or shall purchase lands, either with or without licence first had from the proprietors, and who have not already taken patents, shall be obliged to take patents of such lands from the proprietors, under a moderate quit-rent; and in default thereof, their title from the Indians to be declared null and void. This the proprietors humbly conceive will be necessary, as well to vindicate his majesty's royal right, as their own property under him; because the planters have lately taken up and promoted an opinion, that the king's right to all American countries discovered by English subjects, is only notional and arbitrary; and that the Indian natives are the absolute independant owners, and have the sole disposal thereof; And some of the planters who have made such purchases of land from the Indians, refuse to take patents from the proprietors, grantees of the crown; and others, who have taken patents, refuse to pay the quit-rents reserved.

Third. That the inhabitants of both provinces may have the same liberty of trading with the Indians, as the inhabitants of New-York, or of any other plantation in America, under his majesty's immediate government, do or shall enjoy.

Fourth. That the port of Perth-Amboy, in East-Jersey, and the ports of Burlington and Cohansie, in West-Jersey, may be established ports of those respective provinces forever; and that no ship bound to any of those places, shall be obliged to enter at any other port; nor any ships to be laden there, shall be obliged to clear at any other port; and that officers may be appointed at such port, for collecting the customs, and seeing the acts of navigation duly executed.

Fifth. That the proprietors may appoint surveyors general, and other officers, for surveying, and recording of the surveys of land granted by and held of them.

Sixth. That the proprietors of East-Jersey may hold three markets in every week forever, on Tuesday, Thursday and Saturday,
for

for all manner of cattle, goods and merchandizes, at Perth-Amboy ; and four fairs in every year there, to begin the Monday in the months of and each fair to continue six days ; and that the proprietors of West-Jersey may hold the like number of markets in every week forever, on Monday, Wednesday and Friday, at Burlington, in West-Jersey ; and four fairs in every year there, to begin the Monday in the months of and each fair to continue six days.

Seventh. That East and West-Jersey may be erected into one distinct government, and have one general assembly, for making laws for the good of both provinces, to sit alternatively, at Perth-Amboy in East-Jersey, and Burlington in West-Jersey ; and that such general assembly may be elected every year in the month of and may meet on the first Monday in October, and oftener if need be.

Eighth. That the general assembly may consist of thirty-six representatives, to be chosen in manner following, viz. two by the inhabitants, householders of the city or town of Perth-Amboy, in East-Jersey ; two by the inhabitants, householders of the city or town of Burlington, in West-Jersey ; sixteen by the freeholders of East-Jersey, and sixteen by the freeholders of West-Jersey ; but that no person shall be capable of being elected a representative by the said freeholders, or afterward of sitting in general assembly, who shall not have one thousand acres of land, of an estate of freehold in his own right, within the province for which he shall be chosen ; and that no freeholder shall be capable of electing such representatives, who shall not have one hundred acres of land there in his own right of an estate of freehold ; and that this number of representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise than by act of general assembly, and the approbation of his majesty, his heirs and successors.

Ninth. That the governor's council may consist of inhabitants of both provinces ; whereof an equal number to be chosen out of each province.

Tenth. That all necessary officers, and courts for administration of justice, in cases criminal and civil, be established in each province ; and that one supreme court may be held for both provinces, twice in every year, at Perth-Amboy in East-Jersey, and Burlington in West-Jersey, alternatively ; in which courts all writs of error from any other courts within these provinces, shall be brought and determined ; and that this court may consist of the governor's council, and the three capital judges of each province, (except such of them who pronounced the first judgment, sentence or decree) or of any seven of them, whereof two of the council, and three judges, for the time being, shall be five ; and every member of the court, who shall be present, shall have an equal vote : saving that where the court shall be equally divided in their opinions, the eldest of the council shall have a decisive vote.

Eleventh. That no appeal to the king may lie in personal actions, where the cause of action is of less value than two hundred pounds.

Twelfth. That all protestants may be exempt from all penal laws relating to religion ; and may be capable of being of the governor's council, and of holding any other publick office, though they do
not

not conform to the discipline of the church of England, or scruple to take an oath; and that an instruction be given to the governor, for procuring a law to pass in the general assembly, for substituting some proper declaration in the place of an oath.

Thirteenth. That his majesty will be pleased to permit the proprietors to nominate the first governor.

Fourteenth. That all such further privileges, franchises and liberties, as upon consideration, shall be found necessary to the good government and prosperity of the said provinces, and increasing the trade thereof, may be granted to the proprietors.

August 12, 1701.

JOSEPH ORMSTON.

Joseph Ormston, having procuration from Miles Forster and Edward Ansell, Gilbert Molleson, Thomas Barker, Clement Plumstead, Thomas Cooper, William Dockwra, Walter Benthall, Edward Ritchie, Joseph Brooksbank, Daniel Coxe, jun. Thomas Lane, Paul Dominique, John Bridges, Michael Watts, Thomas Skinner, Thomas Hart.

F I N I S.

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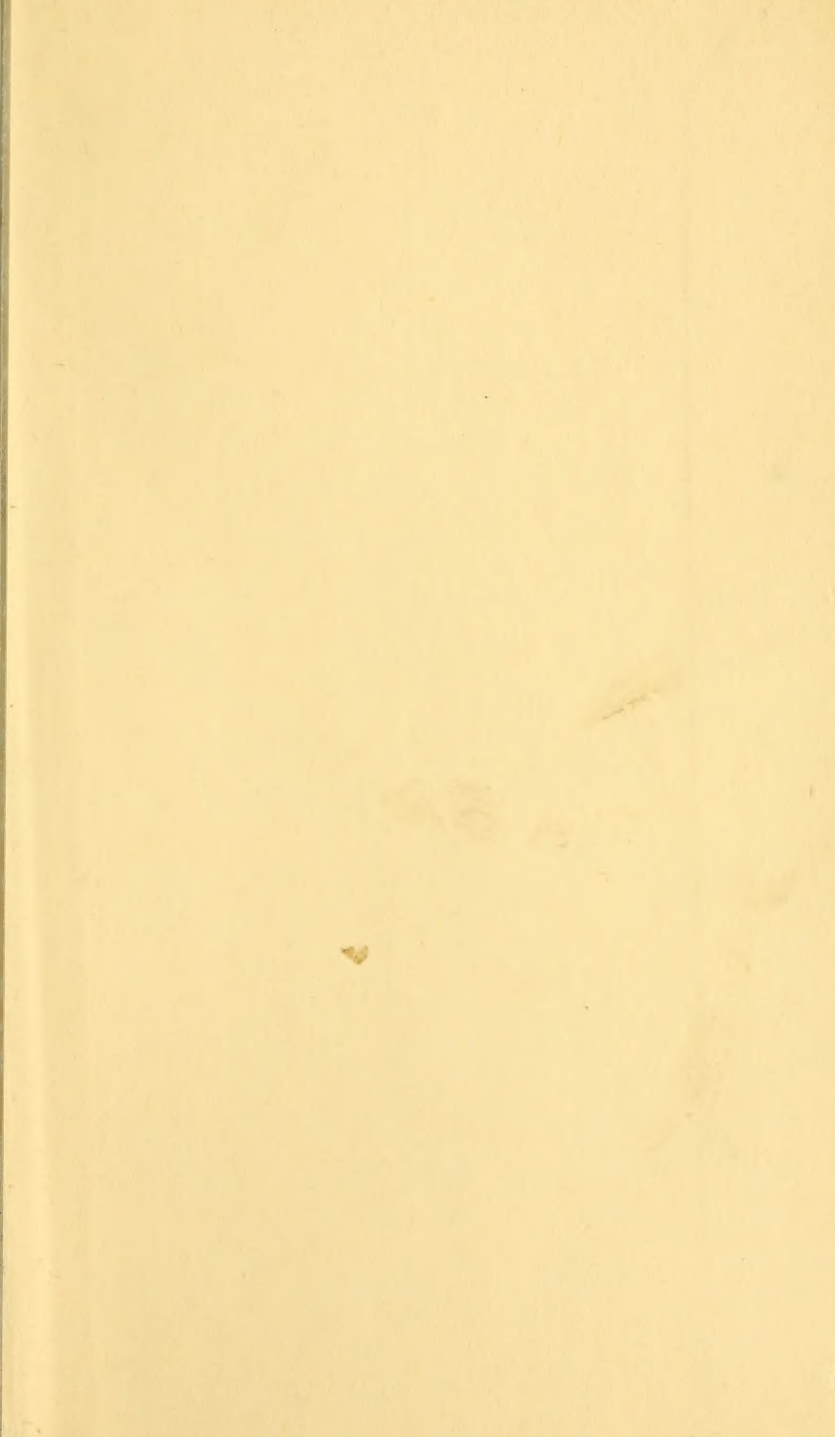
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